ORDER RECEIVED FOR FILING Date

IN RE: PETITION FOR VARIANCE

E/S Helicopter Drive, 270' E of the c/l

Propeller Drive

(11 Helicopter Drive)

15<sup>th</sup> Election District

5<sup>th</sup> Council District

Ernie W. McKissack, et ux

**Petitioners** 

- BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- Case No. 01-125-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, Ernie W. and Martha H. McKissack. The Petition was filed in response to a zoning violation notice the Petitioners received from the Code Enforcement Division of the Department of Permits and Development Management (PDM) following their receipt of an anonymous complaint relative to the construction of a large building/shed on the subject property. Specifically, the Petition, as filed, seeks relief from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed with a height of 16.5 feet in lieu of the maximum allowed 15 feet. However, it is to be noted that testimony and evidence presented at the hearing revealed that the accessory structure in question is actually a 16' x 28' garage. 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 Ernie and Martha McKissack, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located on the east side of Helicopter Drive in the Aero Acres subdivision of southeastern Baltimore County. The property is an irregular shaped parcel containing a gross area of 0.17 acres, more or less, zoned D.R.5.5, and is improved with a two-story dwelling, with an attached open carport on the front

OFIDER RECEIVED FOR FILING
Date

By

portion of the site. To the rear of the property are two accessory structures, a 12' x 12' shed, and a partially completed 16' x 28' garage, which is the subject of the instant request. At issue is the height of the garage, which when completed will be 16.5 feet tall. The Petitioners have owned and resided on the property for 40 years. Mr. McKissack, who is retired from Bethlehem Steel Co., recently commenced construction of the garage to accommodate the family's storage needs. Mr. McKissack testified that they have accumulated significant personal property over the years and that the garage is needed to accommodate such items as lawn mowers, garden tools and equipment, etc. In addition, Mr. McKissack indicated that he is a frequent visitor of flea markets and yard sales. He stated that there is no business being operated within the garage or any commercial use of the property. Mr. McKissack testified that the height of the garage was necessary to accommodate a loft that will provide additional storage needs therein.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. No one appeared in opposition to the request, and there were no adverse comments submitted by any Baltimore County reviewing agency. In fact, the Office of Planning submitted a favorable Zoning Advisory Committee comment in support of the request. In my view, the relief requested is appropriate and will not be detrimental to the surrounding locale. I am persuaded that the Petition meets the requirements of Section 307.1 of the B.C.Z.R. for variance relief to be granted.

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.

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) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The addition (garage, barn, etc.) shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

AWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

TOER RECEIVED FOR FILING



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

October 30, 2000

Mr. & Mrs. Ernie William McKissack 11 Helicopter Drive Baltimore, Maryland 21220

**RE: PETITION FOR VARIANCE** E/S Helicopter Drive, 270' E of the c/l Propeller Drive (11 Helicopter Drive) 15th Election District - 5th Council District Emie W. McKissack, et ux - Petitioners Case No. 01-125-A

Dear Mr. & Mrs. McKissack:

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

Code Enforcement Division, PDM; People's Counsel; Case File cc:











# Petition for Variance

# to the Zoning Commissioner of Baltimore County

	for the property located at _	11 1	te)ico	pter	Dr.
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	and Dumaida and Davalan	mant Manas	sament The	undersiane	d legal
his Petition shall be filed with the D	pepartment of Permits and Developing more County and which is described in	the descript	ion and plat at	tached here	eto and

owner(s) of the property situate in Baltimore County and which is described in the description of the property situate in Baltimore County and which is described in the description of the permit A shed made a part hereof, hereby petition for a Variance from Section(s) 400,2; BCZ2, TO PERMIT A SHED WITH A HEIGHT OF 16.5 ft. IN LIEU OF THE PERMITTED 15ft.

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

Trusses premade 1' TOO TAIl

Need for headroom in Loft

TO BE PRESENTED AT HEARING

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.

Name - Type or Print		
Signature		
Address		Telephone No.
City	State	Zip Code
<u> Attorney For Petit</u>	<u>ioner:</u>	
Name - Type or Print		
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-		
Name - Type or Print Signature Cort pany		
Signature Cort pany		
Signature Cort pany		Telephone No.
Signature	State	Telephone No. Zip Code
Signature Cort pany	State	
Signature Cort pany	State	

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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.

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City

Ernie Le	illiam McK	issael
Name - Type or Print	: 20.   10.1	ssock
Signature		2550011
Martha Name - Type or Print	•	`
Signature	Hollis Mys	issech_
	pter Dr. 4	10-686-6245
Address	7	Telephone No
BALTO.	MD	31270
City	State	Zip Code

SA	me_	
Name		
Address		Telephone No.
City	State	Zip Code

# OFFICE USE ONLY

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UNAVAIL	ABLE	FOR	HEARING			
Reviewed	By ?	X ( A	M	Date	9-14-00	
(101.000	-,	2		_		

Zoning Description for 11 Helicopter Drive Beginning at a point on the East side of Helicopter Drive which is 50 feet wide at the distance of 270 feet East of the centerline of the nearest improved intersecting street Propeller Drive which is sofeetwid Lot # 78, BLOCK ---, Section 2, in subdivision of Victory Villa as Recorded in Baltimore County Phatt Book #22, Folio#110 containing 7660 square feet. ALSO Known as 11 Helicopter Drive and Located in 15th Election District, 01-125-A

5 th councilmatic District

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A-25:-

# **CERTIFICATE OF POSTING**

RE: CASE # 01-125-A
PETITIONER/DEVELOPER
(Ernie McKissack)
DATE OF Hearing
( 10-18-00)

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

11 Helicopter Drive Baltimore, Mai	ryland 21220
THE SIGN(S) WERE POSTED ON	10-2-00
	(MONTH, DAY,YEAR)
	SINCERELY,
	Thom Ogl Stolzloo
	(SIGNATURE OF SIGN POSTER & DATE)
	THOMAS P. OGLE SR
	325 NICHOLSON ROAD
	BALTIMORE, MARYLAND 21221
	410-687-8405

(TELEPHONE NUMBER)

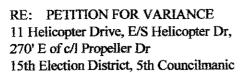
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# CERTIFICATE OF PUBLICATION

TOWSON, MD,	ı
10/5	
, 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 \_\_\_\_\_\_successive weeks, the first publication appearing on \_\_\_\_\_\_lO\_\_\_\_, 2000\_\_\_.

THE JEFFERSONIAN,
LEGAL ADVERTISING



Legal Owner: Ernie W. & Martha H. McKissack Petitioner(s) BEFORE THE

\* ZONING COMMISSIONER

\* FOR

BALTIMORE COUNTY

Case No. 01-125-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

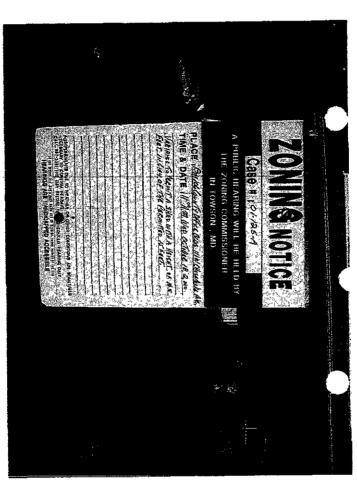
I HEREBY CERTIFY that on this 29th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Ernie W. & Martha H. McKissack, 11 Helicopter Drive, Baltimore, MD 21220, Petitioners.

PETER MAX ZIMMERMAN

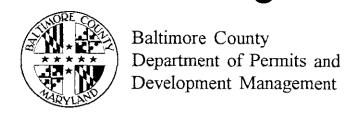
Peter May Timmeman







11 Helicopter Drive



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

Fax: 410-887-5708

September 22, 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: 01-125-A

11 Helicopter Drive

E/S Helicopter Drive, 270 feet E of centerline Propeller Drive

15th Election District - 5th Councilmanic District

Legal Owner: Martha & Ernie McKissack

Variance to permit a shed with a height of 16.5 feet in lieu of the permitted 15 feet

HEARING: Wednesday, October 18, 2000 at 11:00 a.m. in Room 106 Baltimore

County Building, 111 W. Chesapeake Avenue

Arnold Jablon Director

C: Ernie W. & Martha H McKissack, 11 Helicopter Drive, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: OCTOBER 2, 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

Tuesday, October 3, 2000 Issue - Jeffersonian

Please forward billing to:

Ernie W. McKissack 11 Helicopter Drive Baltimore, MD 21220

410-686-6245

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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:

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ence E. Schmidt

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LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# **ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

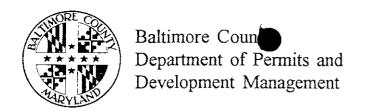
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of 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:
tem Number or Case Number:
Petitioner: Ernie w McKissaek
Address or Location: 11 Helicopter Dr. BALto. M.D. 21220
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
Telephone Number: 410-686-6245

Revised 2/20/98 - SCJ



October 13, 2000

Ernie W. & Martha H. McKissack 11 Helicopter Drive Baltimore, MD 21220

Dear Mr. & Mrs. McKissack:

RE: Case Number: 01-125-A, 11 Helicopter Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 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.

Supervisor, Zoning Review

W. Carl Richard, Jr.

WCR: gdz

**Enclosures** 

C: People's Counsel

# BALTIMORE COUNTY, MARYLAND

# INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director Department of Permits & Development Management

DATE: October 10, 2000

FROM:

Robert W. Bowling, Supervisor Vureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for October 2, 2000

Item Nos. 105, 116, 117, 119, 120,

122, 124, and 125

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

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

October 3, 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 September 25, 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:

105, 116, 120, 122, 123, 124, 125

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 MRBS

DATE:

October 3, 2000

SUBJECT:

**Zoning Petitions** 

Zoning Advisory Committee Meeting of September 25, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
105	1618 Gray Haven Court
116	7660 Old Battle Grove Road
117	10 North Point Terrace
119	9633 Belair Road
120	7851 St. Bridget Lane
121	White Marsh Business Park
122	2626 Luiss Deane Drive
123	139 Newberg Avenue
124	10602 Topsfield Drive
125	11 Helicopter Drive

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 2, 2000

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

11 Helicopter Drive

**INFORMATION:** 

Item Number:

01-125

Petitioner:

Ernie William McKissack

Zoning:

DR 5.5

**Requested Action:** 

Variance

# **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the request to allow the construction of a shed with a height of 16.5 feet in lieu of the required 15 feet.

Prepared by:

Section Chief:

AFK:MAC:

SEP 29



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

Date: 9.25.00

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

RE: Baltimore County

Item No. 125 JCN

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.vs).

Very trally yours,

1. J. Solle

Ir

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division DATE:

September 21, 2000

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT:

Item No.:

125

Legal Owner/Petitioner:

Ernie W. & Martha H. Mekissack

Contract Purchaser:

iser: n/a

Property Address:

11 Helicopter Drive

Location Description:

E/S Helicopter Dr., 270' E of centerline

Propeller Drive

VIIOLATION INFORMATION:

Case No.

00-6815

Defendants:

Ernie W. & Martha H. Mekissack

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** 

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)
- X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- X 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 (1f applicable)
  - 8. Photographs including dates taken
- X 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).

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/ik

C: Code Enforcement Officer

CODE ENFORCEMENT REPORT	315
DATE: 9 / 5 / 00 INTAKE BY: K-HOPRIMO CASE #: 00-68/5	3//3
OMPLAINE	INSPEC: J. Komap
OCATION: 11 Helicopter Dr	,
ZIP CODE:	21220 DIST: 15
COMPLAINANT	01000 Dis1: 15
NAME: PHONE #: (H)	(W)
ADDRESS:	ZIP CODE:
PROBLEM: Bldg. lange shed w/o permit	
IS THIS A RENTAL UNIT?  IF YES, IS THIS SECTION 8?  OWNER/TENANT  INFORMATION:	
TAX ACCOUNT #: 15-13-108480 ZONING	:
NSPECTION: 51, 57	
MSPECTION: Site Ingo Shed being be	. 1 L, No Per.
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 99/00 ASSESS:
 41,800

 98/99 ASSESS:
 40,810

LAST FM DAIL.... 11/21/99 LAST FM TYPE.... C

DELETE CODE..... DATE DELETED....

PREV FM DATE.... PREV FM TYPE....

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Baltimore County	Code Inspections and Enforcement	
Department of Permits and	County Office Building	
	Towson Maryland 21204	
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Investment Property Act (77-66): §§	Electrical Code (NEC):	
Plumbing Code (NSPC):	Dwelling (CABO)	
Other: §§	88 1114 Permet required"	
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YOU ARE HEREBY ORDERED TO CORRECT	THESE WILLIAMS	
FAILURE TO COMPLY WILL E	RESULT IN THE PENALTIES DESCRIBED ON	
THE REVERSE SIDE OF THIS VIOLATION NOTICE.	TEGOLI IN THE PENALTIES DESCRIBED ON	
DATE ISSUED:	INSPECTOR:	
STOP WORK N	IOTICE - 1	
PURSUANT TO INSPECTION AND IDENTIFICAT	TON OF THE FOREGOING VIOLATIONS	
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INSPECTIONS AND ENFORCEMENT		
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	DEFENDANT	

