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IN RE: PETITION FOR VARIANCE

N/S of Bird River Grove Road, 5,175 ft. E centerline of Ebenezer Road

15th Election District 6th Councilmanic District

Petitioners

(11210 Bird River Grove Road)

Patricia S. Foley & Richard H. Barnes

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-527-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Patricia S. Foley and Richard H. Barnes. The variance request is for property located at 11210 Bird River Grove Road in the eastern area of Baltimore County. The Petitioners are requesting variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing accessory structure (block shed) to remain in the side yard of the proposed dwelling and to have a setback of 0.4 ft. to the property line in lieu of the minimum required 2.5 ft.

The property was posted with Notice of Hearing on June 9, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 29, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area,

off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance request were Patricia Foley and Richard Barnes, Petitioners. No Protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 10,300 sq. ft. and is zoned R.C. 2. The property is located on the Bird River and served by Bird River Grove Road. This case arises because an existing shed is located in the side yard of the new home being constructed pursuant to Case No. 04-307-A in which variances were granted to allow a different shaped home to replace an older home on the property. Unfortunately, no one realized when the prior case was being held that the new home design would put the shed in the side yard.

The Petitioners' testified that the shed is in good condition, but because it is constructed of cinderblocks it can not be reasonably moved either into the new rear yard or away from the property line to meet the 2.5 ft. minimum setback. Finally, the Petitioners indicated that they need the additional storage space the shed now provides.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Clearly, the existing shed can not reasonably be moved either to the rear yard or to meet the 2.5 ft. setback from the property line. This relief clearly would have been given in the prior case had anyone realized the need. The property was found to be unique in that case. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. It is not reasonable to move this very sturdy but brittle shed. No increase in residential density beyond that otherwise allowable by the Zoning was requested. Furthermore, I find that the variance requested can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this idea of July, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing accessory structure (block shed) to remain in the side yard of the proposed dwelling and to have a setback of 0.4 ft. to the property line in lieu of the minimum required 2.5 ft., be is and hereby APPROVED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:rai

3



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

July 19, 2004

Ms. Patricia Foley Mr. Richard H. Barnes 3811 Cedarbrooke Place Baltimore, Maryland 21236

> Re: Petition for Variance Case No. 04-527-A Property: 11210 Bird River Grove Road

Dear Ms. Foley & Mr. Barnes:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville, MD 21030





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11210 Bird River Grove Road which is presently zoned

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a Variance from Section(s)

400.1 to permit an existing accessory and made a part hereof, hereby petition for a Variance from Section(s)

400.1 to permit an existing accessor structure (block shed) to remain in the side yard of the proposed dwelling, and to have a setback of 0.4-feet to the property line in-lieu-of the minimum required 2.5-feet.

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

The shed is existing. The shed is made of concrete block and has a concrete floor. To move it would be practically difficult.

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:

Legal Owner(s):

**************************************	···· -		Richard H. Barnes
Name - Type or Print		Ni	me - Type or Print Michael H. Banne
Signature		· · · · · · · · · · · · · · · · · · ·	Signature
<u>, , , , , , , , , , , , , , , , , , , </u>		***************************************	Patricia S. Foley
Address		Telephone No.	Name - Type or Print 5 Hou
City	State	Zip Code	Signatúré /
Attorney For Petitioner:			3811 Cedarbrooke Place (410) 879-6785
			Address Telephone N Baltimore, MD 21236
Name - Type or Print	······································	Ci	
	,		Representative to be Contacted:
Signature		-	McKee and Associates, Inc.
ompariy			Name 5 Shawan Road, Suite (410) 527-1555
ddres		Telephone No.	Address Cockeysville, MD 21030
City	State	Zip Code	City State Zip Code
A Chroming			OFFICE USE ONLY
Sase No. <u>04-527-</u>	A		ESTIMATED LENGTH OF HEARING
943C110			UNAVAILABLE FOR HEARING
Sase No. 04-527-		Reviewed By	Bn Date 5/13/54
REP 975/98			

Engineering • Surveying • Environmental Planning
Real Estate Development

January 5, 2004

ZONING DESCRIPTION OF 11210 BIRD RIVER GROVE ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING on the north side of Bird River Grove Road, thirty feet wide at a point situated 5,175 feet easterly from Ebeneezer Road. BEING Lot 31, Section A in the subdivision of Bird River Grove as recorded in Baltimore County Plat Book 7, page 189, containing 10,300 square feet or 0.24 acres of land, more or less. ALSO known as 11210 Bird Grove Road and located in the 15th Election District, 6th Councilmanic District.

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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: #04-527-A

11210 Bird River Grove Road

N/side of Bird River Grove Road, 5,175 feet e/of centerline of Ebeneezer Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Richard Barnes & Patricia Foley

Variance: to permit an existing accessory structure

(block shed) to remain in the side yard of the proposed

dwelling, and to have a setback of 0.4 feet to the property

Ine in lieu of the minimum required 2.5 feet.

Hearing: Wednesday, July 14, 2004 at 18:00 a.m. in Room 407, County Courts Building, 401 Bostey 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

missioner'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/6/839 June 29

CERTIFICATE OF PUBLICATION

630,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 629 ,2004.
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

			Date:June	9, 2004
RE:	Case Number	04 527 A		
	Petitioner/Developer:	Richard Barnes and	Patricia Foley	
	Date of Hearing/Closing:	Wednesday, July	14, 2004	
vere	This is to certify under the posted conspicuously on the	penalties of perjoate	iry that the necc 11210 Bird	ssary sign(s) required by law River Grove Road
	•			
	The sign(s) were posted of	June 9, 2004	(Month, Day	Year)
			& Van	rive Plan
				gnature of Sign Poster)
			J. Lawrence Pi	
			McKee and Asso	
'			(Printe	d Name of Sign Poster)
-			5 Shawan Road,	Suite 1
1			(Street	Address of Sign Poster)
Ì			Cockeysville,	4D 21030
•			(Cily, S	tale, Zip Code of Sign Poster)
1			(410) 527-1555	
ļ	•	ų .	(Telepi	one Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 29, 2004 Issue - Jeffersonian

Please forward billing to:

Patricia Foley 3811Cedarbrooke Place Baltimore, MD 21236 410-879-6785

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: 04-527-A

11210 Bird River Grove Road

N/side of Bird River Grove Road, 5,175 feet e/of centerline of Ebeneezer Road

15th Election District – 6th Councilmanic Distict

Legal Owners: Richard Barnes & Patricia Foley

<u>Variance</u> to permit an existing accessory structure (block shed) to remain in the side yard of the proposed dwelling, and to have a setback of 0.4 feet to the property line in lieu of the minmum required 2.5 feet.

Hearing: Wednesday, July 14, 2004, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

TO I DOSIES WALLIN

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.

Department of Permits and Development Management

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



Baltimore County

James T Smith, Jr., County Executive Timothy M Kotroco, Director

May 21, 2004

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: 04-527-A

11210 Bird River Grove Road

N/side of Bird River Grove Road, 5,175 feet e/of centerline of Ebeneezer Road

15th Election District – 6th Councilmanic Distict

Legal Owners: Richard Barnes & Patricia Foley

<u>Variance</u> to permit an existing accessory structure (block shed) to remain in the side yard of the proposed dwelling, and to have a setback of 0.4 feet to the property line in lieu of the minmum required 2.5 feet.

Hearing: Wednesday, July 14, 2004, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Richard Barnes & Patricia Foley, 3811 Cedarbrooke Place, Baltimore 21236 McKee & Associates, 5 Shawan Road, Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 29, 2004.

- (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.

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:
Item Number or Case Number: 04-527-A
Petitioner: Richard H. Barnes, Patricia S. Foley
Address or Location: 11210 Bird River Grove Road
PLEASE FORWARD ADVERTISING BILL TO: Name: Patricia S. Foley
Address: 3811 Cedarbrooke Place
Baltimore, MD 21236
Telephone Number: (410) 879 - 6785

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

July 7, 2004

Richard Barnes
Patricia Foley
3811 Cedarbrooke Place
Baltimore, Maryland 21236

Dear Mr. Barnes and Ms. Foley:

RE: Case Number:04-527-A, 11210 Bird River Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 13, 2004.

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.

U. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel McKee & Associates 5 Shawan Road Cockeysville 21030



Visit the County's Website at www.baltimorecountyonline.info

PAGE

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 1, 2004

Item Nos. 516, 518, 519, 524, 525,

527, and 528

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

RWB:CEN:jrb

cc: File

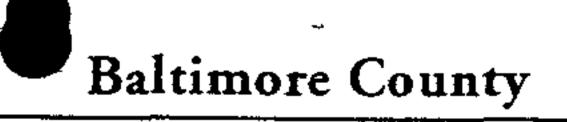
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Post-it® Fax Note 7671	Date (c/9/cv # of pages 3
To Robin	From
Co. Dept. Zonins Com Off	
Phone #	Phone # 3751
3468	Fax# 2877

DATE: June 3, 2004

Fire Department

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





James T Smith, Jr, County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

May 9, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 1, 2004

Item No.:

516, 518, 519-522, 524, 525, 527-529

Dear Ms. Hart:

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.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 3, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-527

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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:

Division Chief:

MAC/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

5.25.04

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

RE:

Baltimore County

Item No. 527

Dear. Ms. Matthews:

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

1. 1. Heell

RE: PETITION FOR VARIANCE

11210 Bird River Grove Rd; N/side Bird River

Grove Rd; 5,175' E c/line of Ebenezer Rd

15th Election & Councilmanic Districts

Legal Owner(s): Richard H Barnes &

Patricia Foley

FOR

Petitioner(s) *

*

BALTIMORE COUNTY

ZONING COMMISSIONER

04-527-A

BEFORE THE

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 3rd day of June, 2004, a copy of the foregoing Entry of Appearance was mailed to, McKee & Associates, Inc, 5 Shawan Road, Cockeysville, MD 21030, Representative for Petitioner(s).

RECEIVED

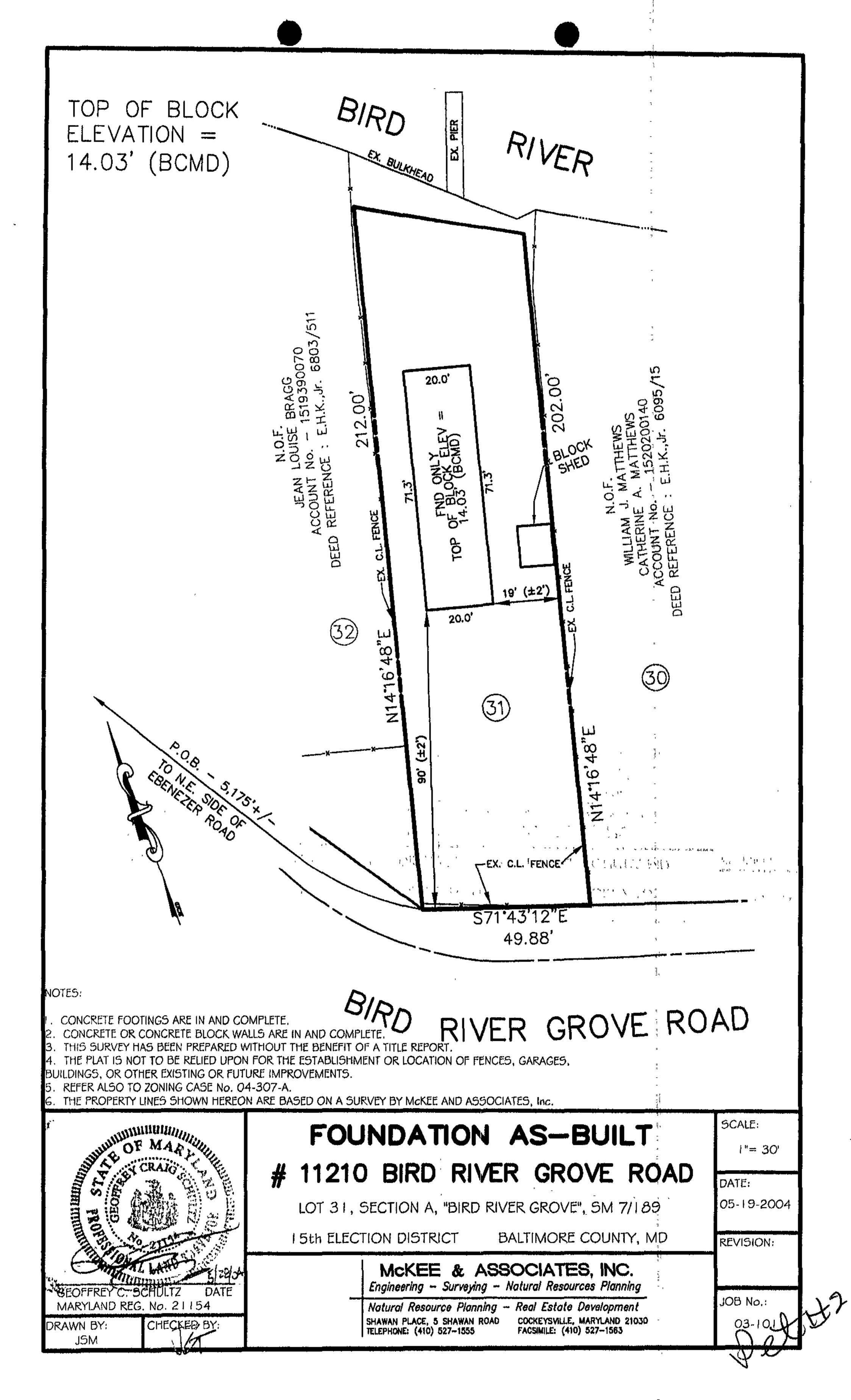
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Hel Mas Limmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

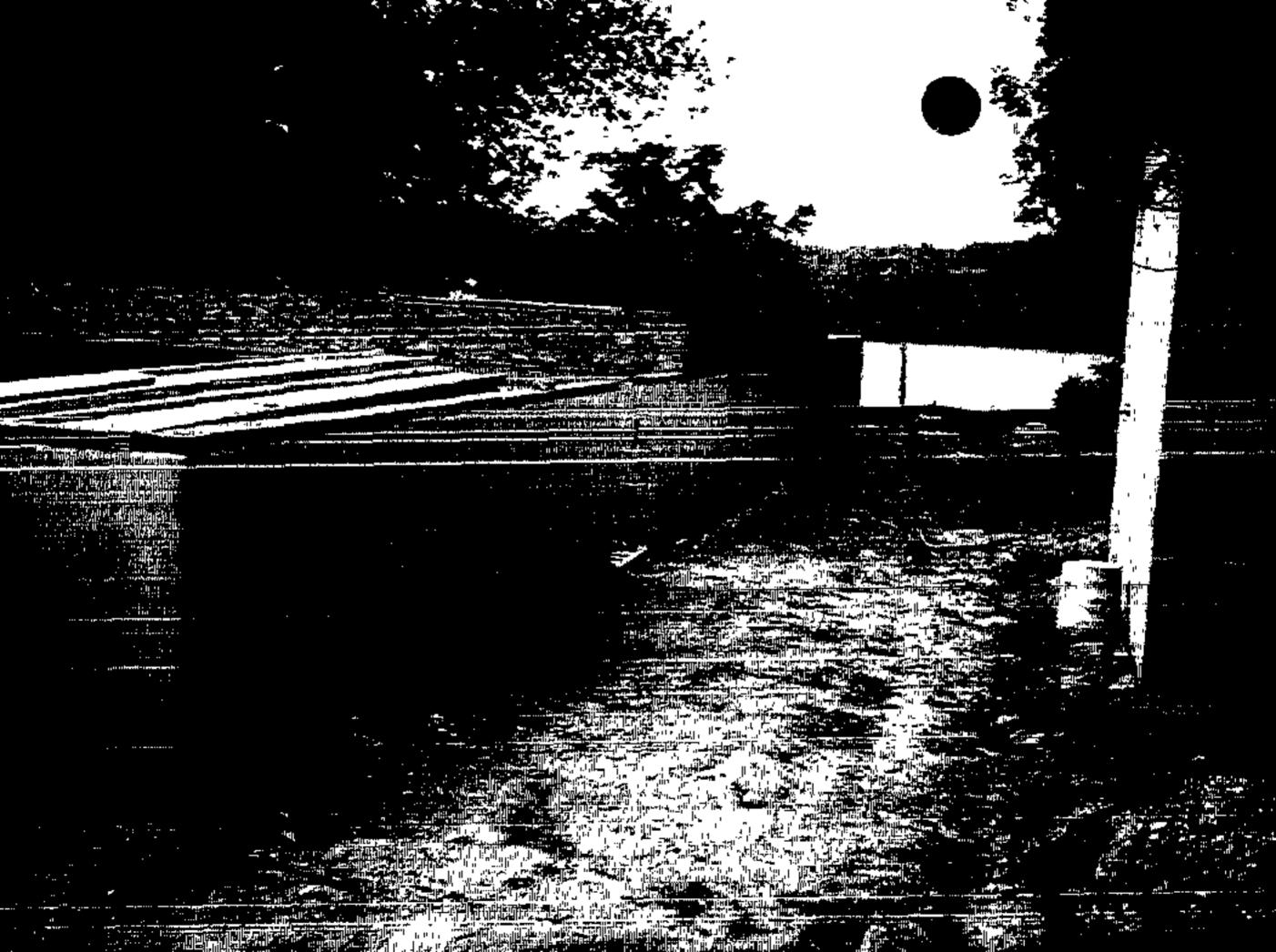
Per.....



PLEASE PRINT CLEARLY

CASE NAME/1210 Bird River Grove Rd
CASE NUMBER 04-527-A
DATE 7/14/04

E- MAIL	of loud prouver. ora	1										
CITY, STATE, ZIP	Baltimore, MD 21226											
ADDRESS	3411 Cebrhrooke Place				11.01							
NAME	Patricia Foley	WIGHTON H. BARDES										



Ret # 2



Pett B

