

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Wye Road, 80' W of the c/l

St. George's Road

(356 Wye Road)

15th Election District

6th Council District

Robert W. Reilly, et ux

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 05-023-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 owners of the subject property, Robert W. Reilly, and his wife, Teresa Y. Reilly. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (freestanding deck) with side yard setbacks of 0 feet on each side in lieu of the minimum required 2.5 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, a letter of opposition dated August 2, 2004 was received from the adjacent property owner, James L. Hancock, and the matter was scheduled for a public hearing before the undersigned Zoning Commissioner on October 13, 2004.

ORDER RECEIVED FOR FILING

Date

By

10/15/14
[Signature]

Appearing at the hearing in support of the requested relief were Robert and Teresa Reilly, property owners. Also appearing was Robert Infussi, the consultant retained by the Petitioners to file the Petition. Appearing in opposition to the request were James L. Hancock, adjacent property owner, and Russell Buck, a nearby resident of the area.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront parcel located with frontage on Norman Creek and the south side of Wye Road, just west of St. George's Road in the Middleborough community in Essex. The property contains a gross area of 11,550 sq.ft., more or less, zoned D.R.3.5 and is improved with a single family dwelling and detached garage. In addition to the dwelling, a detached patio is located in the front yard (waterfront side). There is also a shed located in the lower front yard, immediately adjacent to the bulkhead along the water. In this regard, the lot slopes down to a lower level adjacent to the water and that slope along the entire width of the property has been covered with concrete to form a retaining wall. In addition, there are steps within that concrete slope which lead down to the lower yard and a concrete patio adjacent to the bulkhead along the water. There is also an existing wood bulkhead and pier that extends from the lower yard of the property into the water.

The Petitioners have owned and resided on the property for the past 11 years. Testimony indicated that as a result of Hurricane Isabel, the concrete bulkhead/retaining wall was damaged and the Petitioners propose replacing same. In this regard, the Petitioners propose removing the existing concrete slope, including earth, steps and retaining wall and constructing a new, freestanding wood deck and a masonry retaining wall. The existing concrete patio adjacent to the water will be refinished and the shed removed. The wood bulkhead and pier will be retained.

As shown on the site plan, the proposed new construction will be located in essentially the same footprint as the existing structure. In this regard, testimony indicated that the existing concrete slope/bulkhead was built in the early 1980s and extends to the property line on both sides. Further testimony indicated that because of the level of the yard and eroding conditions on the hill, strict compliance would result in a practical difficulty and unreasonable hardship to maintain that small area of yard space on either side. Thus, side yard setbacks of 0 feet on each side are

ORDER RECEIVED FOR FILING
Date 10/13/14
By [Signature]

proposed. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. However, given the property's waterfront location, the proposed construction must comply with Federal Flood Insurance regulations and Chesapeake Bay Critical Areas requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management and the Development Plans Review Division of the Department of Permits and Development Management, copies of which are attached hereto and made a part hereof.

As noted above, Mr. James Hancock appeared and testified in opposition to the request. Mr. Hancock has owned and resided on the adjacent property (west side) at 354 Wye Road for over 40 years. Mr. Hancock is generally opposed to the request and believes that the Petitioners should be required to maintain the 2½-foot setbacks on each side as required by law. He further believes that his view will be impaired as a result of the new construction. In this regard, Mr. Hancock made reference to another matter unrelated to the issue before me regarding the Petitioners' boat and mooring piles that were allegedly placed on their common property line without prior approval and which have caused him difficulty when moving his boat.

Based upon all of the testimony and evidence presented, I am persuaded to grant the requested relief. Several photographs were submitted at the hearing which depict the subject property and surrounding neighborhood and it appears that the Petitioners' proposal is not out of character with the area and will greatly improve existing conditions on their property. Moreover, there were no adverse comments submitted by any County reviewing agency. Although I am appreciative of Mr. Hancock's objections, I do not find that the requested relief will adversely impact him or other adjacent properties. As noted above, the existing concrete slope and retaining wall have existed on the property with 0-foot setbacks for over 20 years without prior complaint. Moreover, a letter of support was received from Patrick and Anita Ward, who reside on the east side of the subject property at 358 Wye Road. Their letter indicates that they have discussed the Petitioners' plans with other neighbors in the community who support the proposed improvements believing that same will have a positive effect on their property values. For all of these reasons, I

ORDER RECEIVED FOR FILING

Date

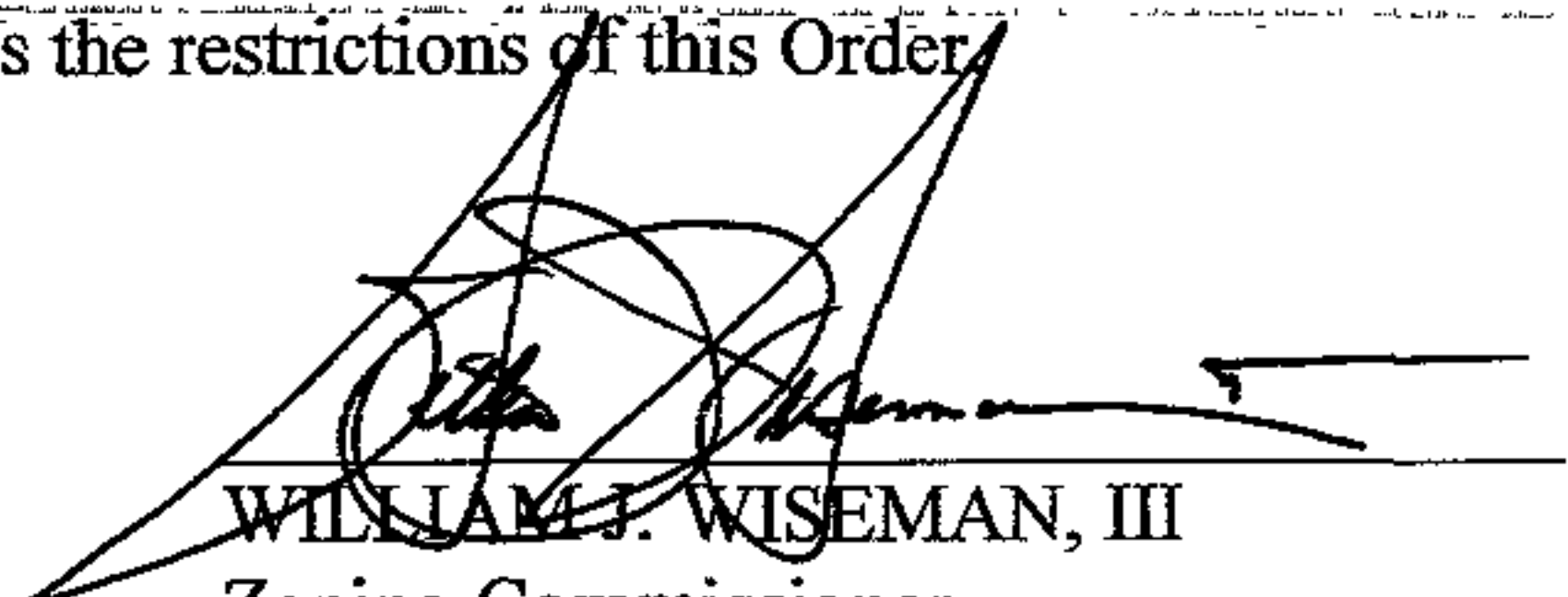
By

am persuaded that relief can be granted and that there will be no detrimental impact to the adjacent properties or surrounding locale.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of October 2004 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (freestanding deck) with side yard setbacks of 0 feet on each side in lieu of the minimum required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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) Compliance with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 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.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 10/15/04
By [Signature]

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

October 18, 2004

Mr. & Mrs. Robert W. Reilly
356 Wye Road
Baltimore, Maryland 21221

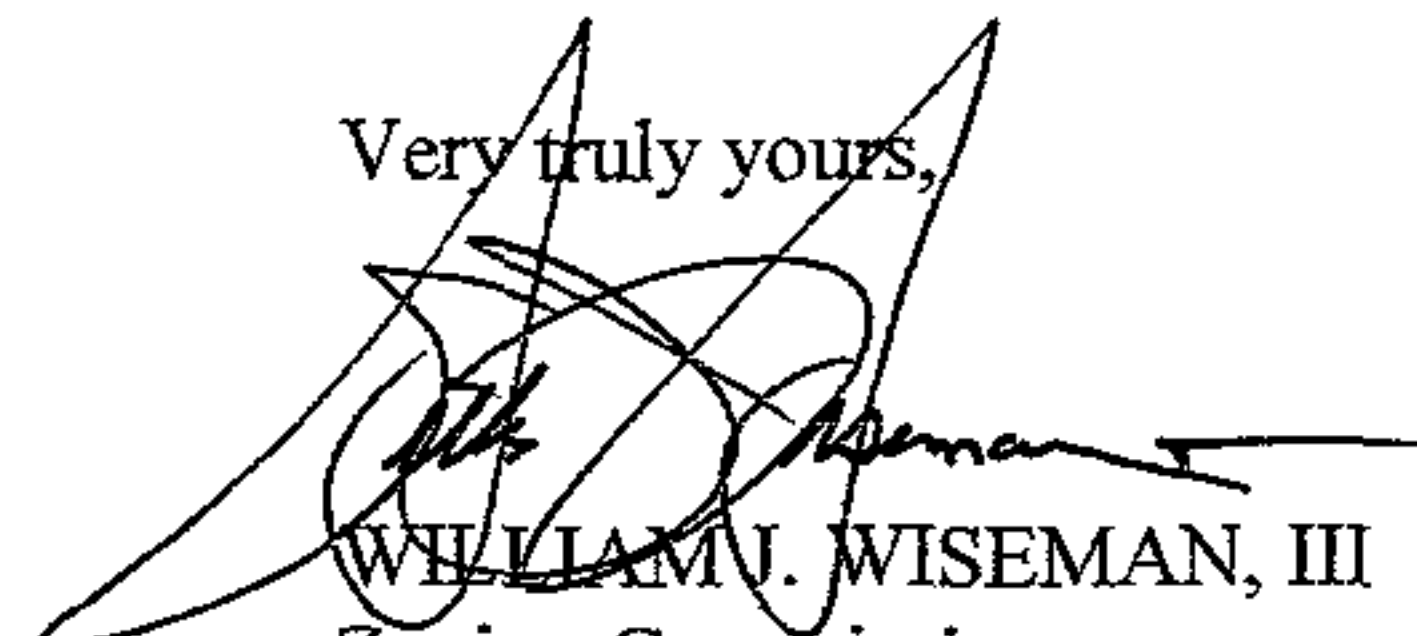
RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Wye Road, 80' W of the c/l St. George's Road
(356 Wye Road)
15th Election District – 6th Council District
Robert W. Reilly, et ux - Petitioners
Case No. 05-023-A

Dear Mr. & Mrs. Reilly:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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.

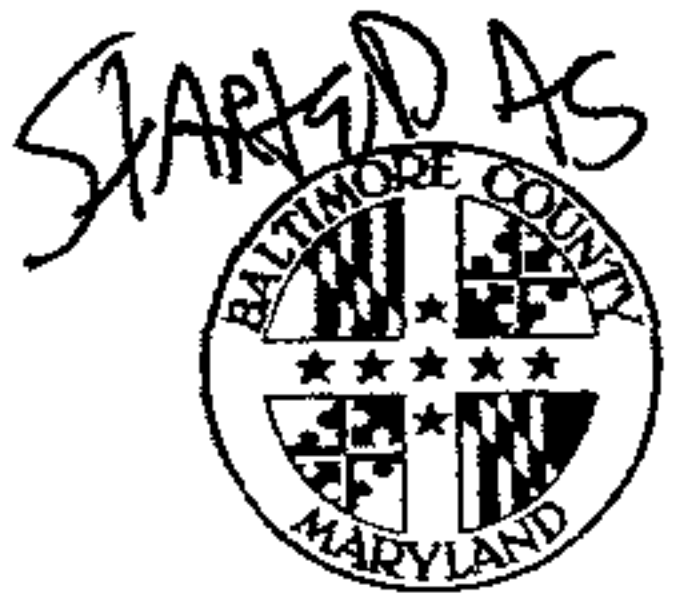
Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Robert Infussi, P.O. Box 1043-7043, Bel Air, Md. 21014
Mr. James L. Hancock, 354 Wye Road, Baltimore, Md. 21221
Mr. Russell Buck, 1405 Franklin Avenue, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM
Office of Planning; People's Counsel; Case File





STARTED AS A **Petition for Administrative Variance** *STARTED AS AN*
NOW SET IN FOR A HEARING
to the Zoning Commissioner of Baltimore County

for the property located at 356 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) 400.1 (BCZR)

To permit an accessory structure (freestanding deck) with a 0' side setback in the front yard in lieu of the required 2-1/2' setback in the rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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 W. REILLEY
Name - Type or Print _____
Signature _____
TERESA Y. REILLEY
Name - Type or Print _____
Signature _____
356 WYE ROAD (410) 331-6033
Address _____ Telephone No. _____
BALTIMORE MO. 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

ROBERT INFUSI
Name _____
P.O. BOX 1043-7043 (410) 812-2236
Address _____ Telephone No. _____
BELAIR MD. 21014
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 05-023-A

Reviewed By D. THOMPSON Date 7/12/04

Estimated Posting Date 7/25/04

REV 10/25/01

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 356 WYE ROAD
Address
BALTIMORE MD. 21221
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):

THE EXISTING RETAINING WALL, CONE.
SLOPE AND STORAGE SHED WERE
DAMAGED BY HURRICANE ISABELLE.

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

[Signature]
Signature
ROBERT W. REILLEY
Name - Type or Print

[Signature]
Signature
TERESA Y. REILLEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert W. / Teresa Y. Reilley
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 6/06

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 356 WYE ROAD
Address
BALTIMORE MD. 21221
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):

THE EXISTING RETAINING WALL, CONC.
SLOPE AND STORAGE SHED WERE
DAMAGED BY HURRICANE ISABELLE

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

[Signature]
Signature
ROBERT W. REILLEY
Name - Type or Print

[Signature]
Signature
TERESA Y. REILLEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert W. / Teresa Y. Reilly
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 6/06



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 356 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) 400.1 (BCZR).

To permit an accessory structure (freestanding deck) with a 0' side setback in the front yard in lieu of the required 2-1/2' setback in the rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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 W. REILLEY

Name - Type or Print

Signature

TERESA Y. REILLEY

Name - Type or Print

Signature

356 WYE ROAD (410) 391-6033

Address Telephone No

BALTIMORE MD. 21221

City State Zip Code

Representative to be Contacted:

ROBERT INFUSSI

Name

P.O. BOX 1043-704-3 (410) 812-2236

Address Telephone No

BELAIR MD. 21014

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 05-023-A

Reviewed By D. THOMPSON Date 7/12/04

REV 10/25/01

Estimated Posting Date 7/25/04

**DESCRIPTION TO ACCOMPANY PETITION
FOR ADMINISTRATIVE VARIANCE
356 WYE ROAD**

Beginning at a point on the south side of Wye Road (30 feet wide) distant 80 feet westerly from the east side of St. Georges Road (30 feet wide), thence being all of lot 167 as shown on the plat of Middleborough recorded among the Baltimore County plat records in plat book 4 folio 191.

Being known as 356 Wye Road and being located in the 15th Election District, 6th Councilmanic District of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39159

DATE 7/12/04 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED FROM EXPEDITE LLC

FOR ITEM # 023 05-023-A

356 WNE RD BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME TAX
7/13/2004 7/13/2004 10:34:29 2

REG 002 MAIL JEN RE
RECEIPT # 34571 7/13/2004 012
Rpt 3 520 JUDGE VERIFICATION
TX NO. 039159

Receipt Tot 65.00
65.00 EX 1.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #05-023-A
356 Wye Road
S/side of Wye Road, 80 feet west of the e/side of St. George's Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Robert W. and Teresa Y. Reilley

Administrative Variance: to permit an accessory structure (freestanding deck) with 0 foot side setback in the front yard in lieu of the required 2 1/2 setback in the required rear yard.

Hearing: Friday, October 1, 2004 at 11:00 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.
9/23/2004 Sept. 16 21395

CERTIFICATE OF PUBLICATION

9/16, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/16, 2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-023-A

Petitioner/Developer: REILLEY

Date of Hearing/Closing: 8/9/04

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

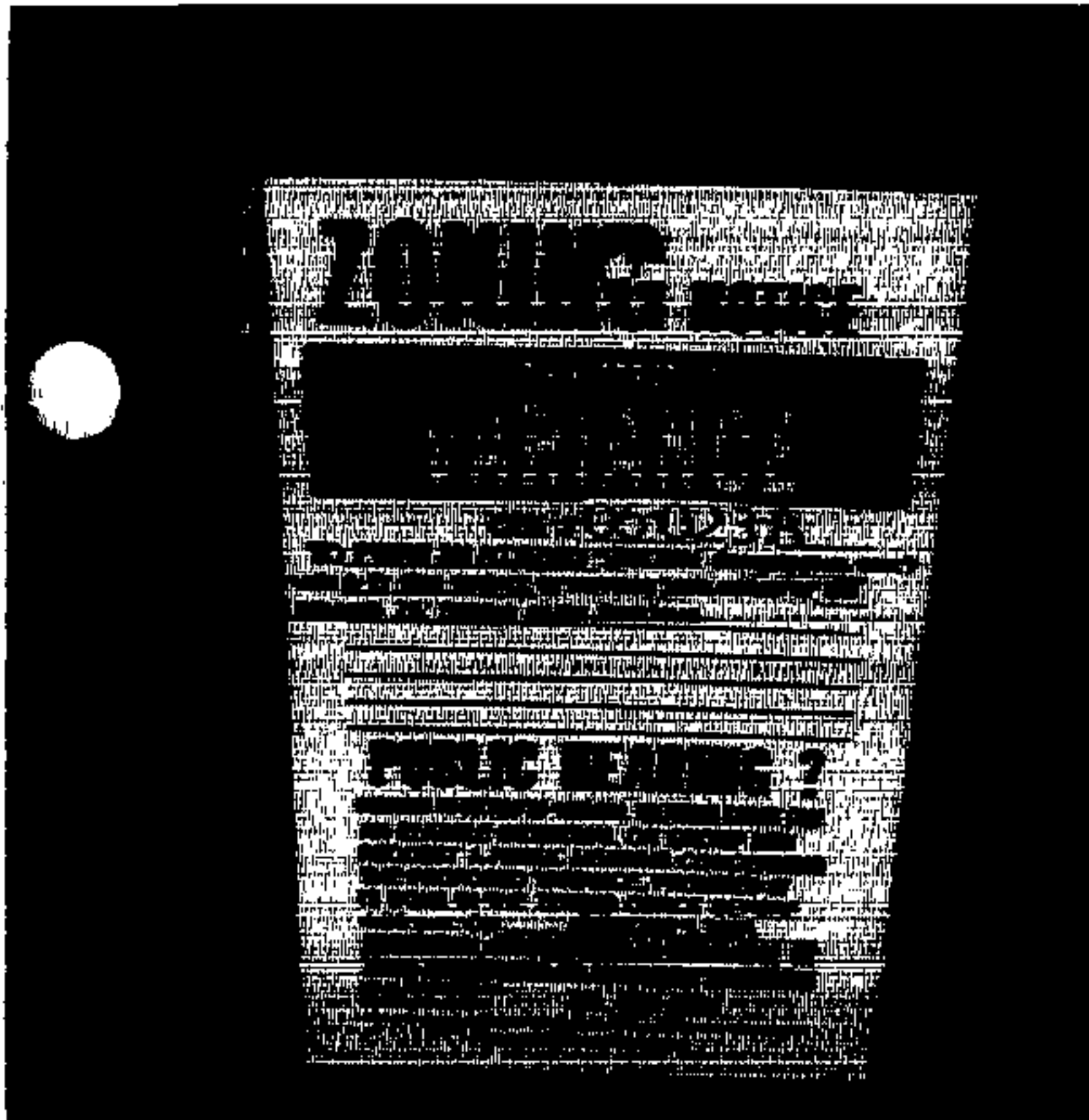
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

356 WYE RD

The sign(s) were posted on

7/25/04
(Month, Day, Year)

Sincerely,



Robert Black
(Signature of Sign Poster)

7/28/04
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

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

September 16, 2004

CORRECTED 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: 05-023-A

356 Wye Road

S/side of Wye Road, 80 feet west of the e/side of St. George's Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert W. and Teresa Y. Reilley

Administrative Variance to permit an accessory structure (freestanding deck) with a 0 foot side setback in the front yard in lieu of the required 2 ½ setback in the required rear yard.

Hearing: Wednesday, October 13, 2004, at 10:00 a.m. in Room ~~407, County Courts Building,~~ ^{186 County Office Bldg.}
~~401 Bosley Avenue~~ ^{111 W. Chesapeake Ave.}

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Robert & Teresa Reilley, 356 Wye Road, Baltimore 21221
Robert Infussi, P.O. Box 1043-7043, Belair 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 28, 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.



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

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

August 24, 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: 05-023-A

356 Wye Road

S/side of Wye Road, 80 feet west of the e/side of St. George's Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert W. and Teresa Y. Reilley

Administrative Variance to permit an accessory structure (freestanding deck) with 0 foot side setback in the front yard in lieu of the required 2 ½ setback in the required rear yard.

Hearing: Friday, October 1, 2004 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Robert & Teresa Reilley, 356 Wye Road, Baltimore 21221
Robert Infussi, P.O. Box 1043-7043, Belair 21014

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 16, 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**

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



Baltimore County

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

August 24, 2004

Robert W. Reilley
Teresa Y. Reilley
356 Wye Road
Baltimore, MD 21221

Dear Mr. and Mrs. Reilley:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-023-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Donna Thompson at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a cursive "J" at the end.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Robert Infussi, P.O. Box 1043-7043

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



TO: PATUXENT PUBLISHING COMPANY
Thursday, September 16, 2004 Issue - Jeffersonian

Please forward billing to:

Catherine Burger
111 W. Chesapeake Avenue
Towson, MD 21204

410-887-3353

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: 05-023-A

356 Wye Road

S/side of Wye Road, 80 feet west of the e/side of St. George's Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert W. and Teresa Y. Reilley

Administrative Variance to permit an accessory structure (freestanding deck) with 0 foot side setback in the front yard in lieu of the required 2 ½ setback in the required rear yard.

Hearing: Friday, October 1, 2004 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 023 -A Address 356 WYE RD., 21221

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/12/04 Posting Date: 7/25/04 Closing Date: 8/9/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 023 -A Address 356 WYE RD., 21221

Petitioner's Name REILLEY Telephone 410-391-6033

Posting Date: 7/25/04 Closing Date: 8/9/04

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (FREESTANDING DECK)

WITH A 0' SIDE SETBACK IN THE FRONT YARD IN LIEU OF THE REQUIRED

2 1/2' SETBACK IN THE REAR YARD.

WCR - Revised 6/25/04

**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/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: 05-023-A
Petitioner: REILLEY
Address or Location: 356 WYE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. ROBERT W. REILLEY
Address: 356 WYE RD.
BALTO. MD 21221

Telephone Number: 410-391-6033

**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*

September 22, 2004

Robert W. Reilley
Teresa Y. Reilley
356 Wye Road
Baltimore, Maryland 21221

Dear Mr. and Mrs. Reilley:

RE: Case Number: 05-023-A, 356 Wye Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 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.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Robert Infussi P.O. Box 1043-7043 Belair 21014

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



**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*

August 9, 2004

Robert W. Reilley
Teresa Y. Reilley
356 Wye Road
Baltimore, Maryland 21221

Dear Mr. and Mrs. Reilley:

RE: Case Number: 05-023-A, 356 Wye Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 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.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Robert Infussi P.O. Box 1043-7043 Bel Air 21014

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



Baltimore County
Fire Department

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

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

July 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 26, 2004

Item No.: 017-035

Dear Ms. Mathews:

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

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



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

Maryland Department of Transportation

Date: 7.23.04

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

RE: Baltimore County
Item No. 023 DT

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr *JDO*
DATE: August 10, 2004
SUBJECT: Zoning Item # 05-023
Address 356 Wye Road (Reilley Property)

Zoning Advisory Committee Meeting of July 26, 2004.

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

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).

Additional Comments:

Reviewer: Keith Kelley

Date: August 10, 2004

ORDER RECEIVED FOR FILING
Date 11/15/14
By *JDO*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

RECEIVED
DATE: August 11, 2004

AUG 10 2004

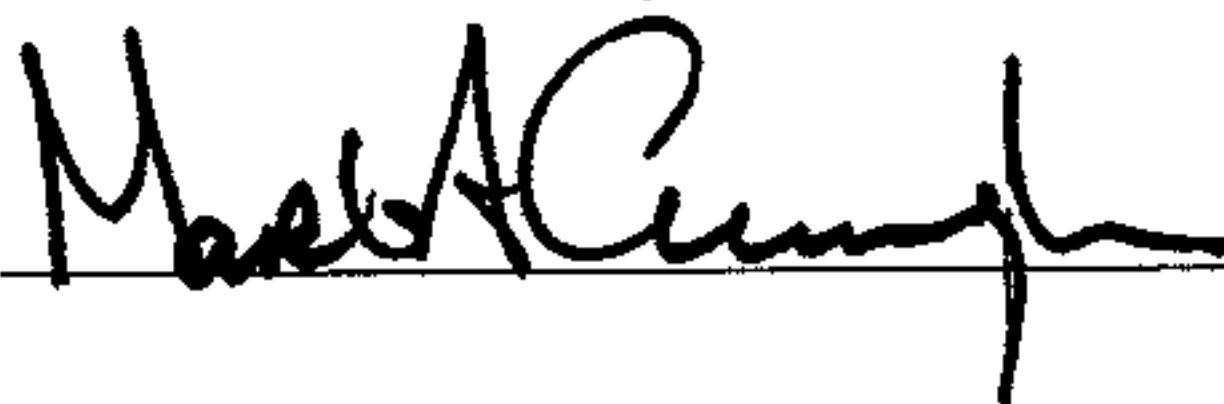
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-023 – Administrative Variance**

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: August 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 2, 2004
Item No. 023

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The flood protection elevation for this site is 11.2 feet.

The retaining wall structure shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

The building engineer shall require a permit for this project.

RWB:CEN:jrb

cc: File

ORDER RECEIVED FOR FILING

Date

By

ZAC-08-02-2004-ITEM NO 023-08042004

JAMES L. HANCOCK
354 Wye Road
Baltimore, Maryland 21221

Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Gentlemen:

I am writing you to protest the issuance of a zoning variance for 356 Wye Road. Since I have looked at the plan for variance #05-023-4 that is in your office I feel that my view on that side of the property will be impaired. Also that any runoff from that property will end up on my property so that I would like him to maintain the 2.5 feet from the property line as required by the zoning regulations.

My reason for concern is that he has already violated Regulation 417.4 in that he has placed mooring piles on the property line without prior approval which causes a hardship and inconvenience when moving my boat. when his boat is in this mooring it prohibits my view of the channel and causes a safety hazard for me.

In the 45 years that I have lived here I have never had any of these problems of encroachments in the past.

Respectfully submitted
James L. Hancock

James L Hancock
Aug 2, 2004

BALTIMORE COUNTY EMPLOYEES
FEDERAL CREDIT UNION

*Butte - In view of
the objection from
neighbor, this should
be set up for a hearing*
JSS
*(reviewed
8/23/04)*

STATE OF MARYLAND

County of Balto.

Sworn and subscribed in due form before me,
this 2ND. day of August 2004

Debra E. Stevens

410-828-4730 • 1-800-234-4730
www.bcefcu.com

My Commission Expires 8-1-07

- A. With straight shore lines. If the shoreline is straight, the divisional lines are to be extended from the intersection of the shoreline and the property line into the parallel and in a straight

B.

C.

D.

E.

F.

G.

H.

I.

J.

K.

L.

M.

N.

O.

P.

Q.

R.

S.

T.

U.

V.

W.

X.

Y.

Z.

AA.

AB.

AC.

AD.

AE.

AF.

AG.

AH.

AI.

AJ.

AK.

AL.

AM.

AN.

AO.

AP.

AQ.

AR.

AS.

AT.

AU.

AV.

AW.

AX.

AY.

AZ.

BA.

BB.

BC.

BD.

BE.

BF.

BG.

BH.

BI.

BJ.

BK.

BL.

BM.

BN.

BO.

BP.

BQ.

BR.

BS.

BT.

BU.

BV.

BW.

BX.

BY.

BZ.

CA.

CB.

CC.

CD.

CE.

CF.

CG.

CH.

CI.

CJ.

CK.

CL.

CM.

CN.

CO.

CP.

CQ.

CR.

CS.

CT.

CU.

CV.

CW.

CX.

CY.

CZ.

DA.

DB.

DC.

DD.

DE.

DF.

DG.

DH.

DI.

DJ.

DK.

DL.

DM.

DN.

DO.

DP.

DQ.

DR.

DS.

DT.

DU.

DV.

DW.

DX.

DY.

DZ.

EA.

EB.

EC.

ED.

EE.

EF.

EG.

EH.

EI.

EJ.

EK.

EL.

EM.

EN.

EO.

EP.

EQ.

ER.

ES.

ET.

EU.

EV.

EW.

EX.

EY.

EZ.

FA.

FB.

FC.

FD.

FE.

FF.

FG.

FH.

FI.

FJ.

FK.

FL.

FM.

FN.

FO.

FP.

FQ.

FR.

FS.

FT.

FU.

FV.

FW.

FX.

FY.

FZ.

GA.

GB.

GC.

GD.

GE.

GF.

GG.

GH.

GI.

GJ.

GK.

GL.

GM.

GN.

GO.

GP.

GQ.

GR.

GS.

GT.

GU.

GV.

GW.

GX.

GY.

GZ.

HA.

HB.

HC.

HD.

HE.

HF.

HG.

HH.

HI.

HJ.

HK.

HL.

HM.

HN.

HO.

HP.

HQ.

HR.

HS.

HT.

HU.

HV.

HW.

HX.

HY.

HZ.

IA.

IB.

IC.

ID.

IE.

IF.

IG.

IH.

II.

IJ.

IK.

IL.

IM.

IN.

IO.

IP.

IQ.

IR.

IS.

IT.

IU.

IV.

IW.

IX.

IY.

IZ.

JA.

JB.

JC.

JD.

JE.

JF.

JG.

JH.

JI.

JJ.

JK.

JL.

JM.

JN.

JO.

JP.

JQ.

JR.

JS.

JT.

JU.

JV.

JW.

JX.

JY.

JZ.

KA.

KB.

KC.

KD.

KE.

KF.

KG.

KH.

KI.

KJ.

KK.

KL.

KM.

KN.

KO.

KP.

KQ.

KR.

KS.

KT.

KU.

KV.

KW.

KX.

KY.

KZ.

LA.

LB.

LC.

LD.

LE.

LF.

LG.

LH.

LI.

LJ.

LK.

LL.

LM.

LN.

LO.

LP.

LQ.

LR.

LS.

LT.

LU.

LV.

LW.

LX.

LY.

LZ.

MA.

MB.

MC.

MD.

ME.

MF.

MG.

MH.

MI.

MJ.

MK.

ML.

MM.

MN.

MO.

MP.

MQ.

MR.

MS.

MT.

MU.

MV.

MW.

MX.

MY.

MZ.

NA.

NB.

NC.

ND.

NE.

NF.

NG.

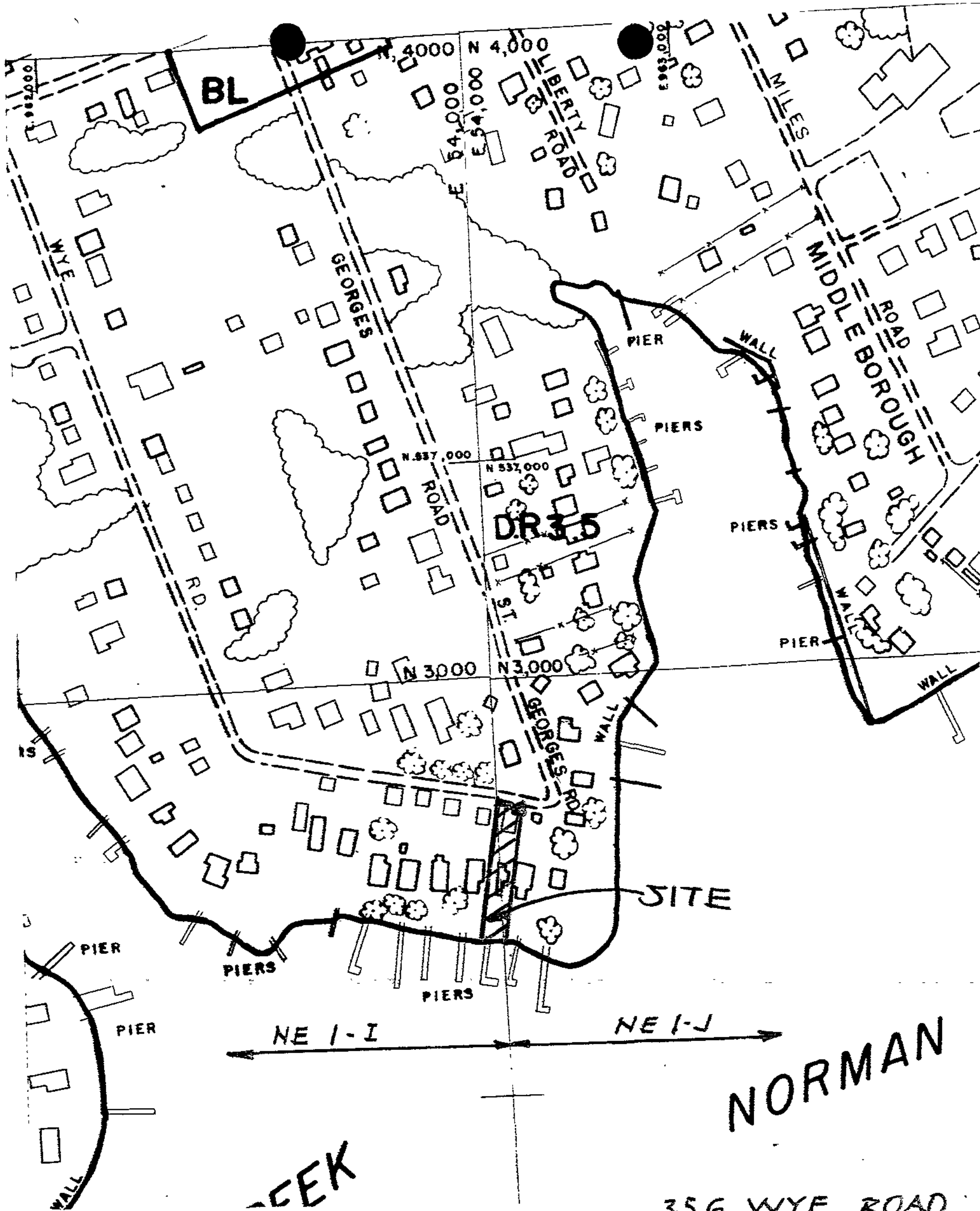
NH.

NI.

CASE NAME _____
CASE NUMBER _____
DATE _____

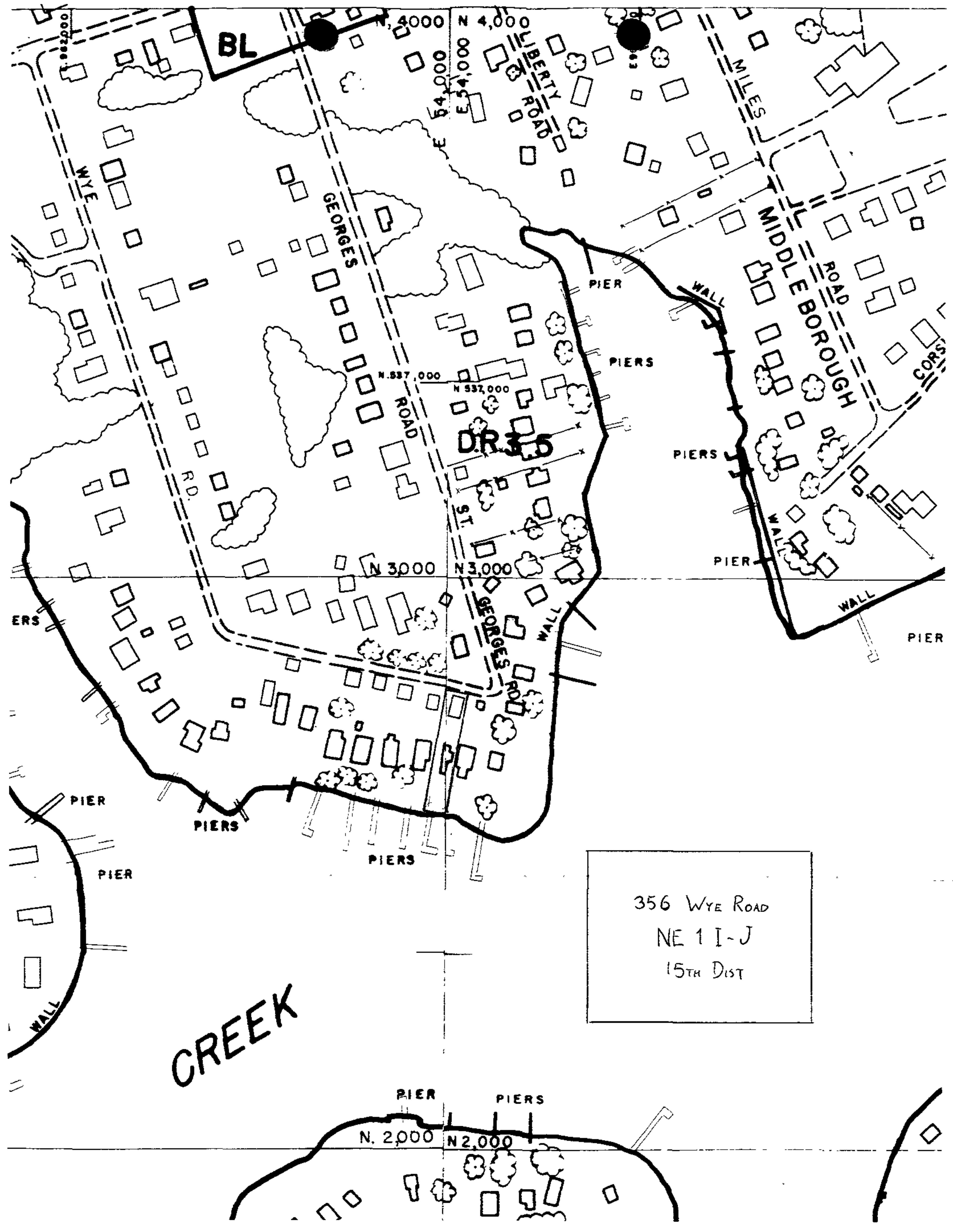
CASE NAME _____
CASE NUMBER _____
DATE _____

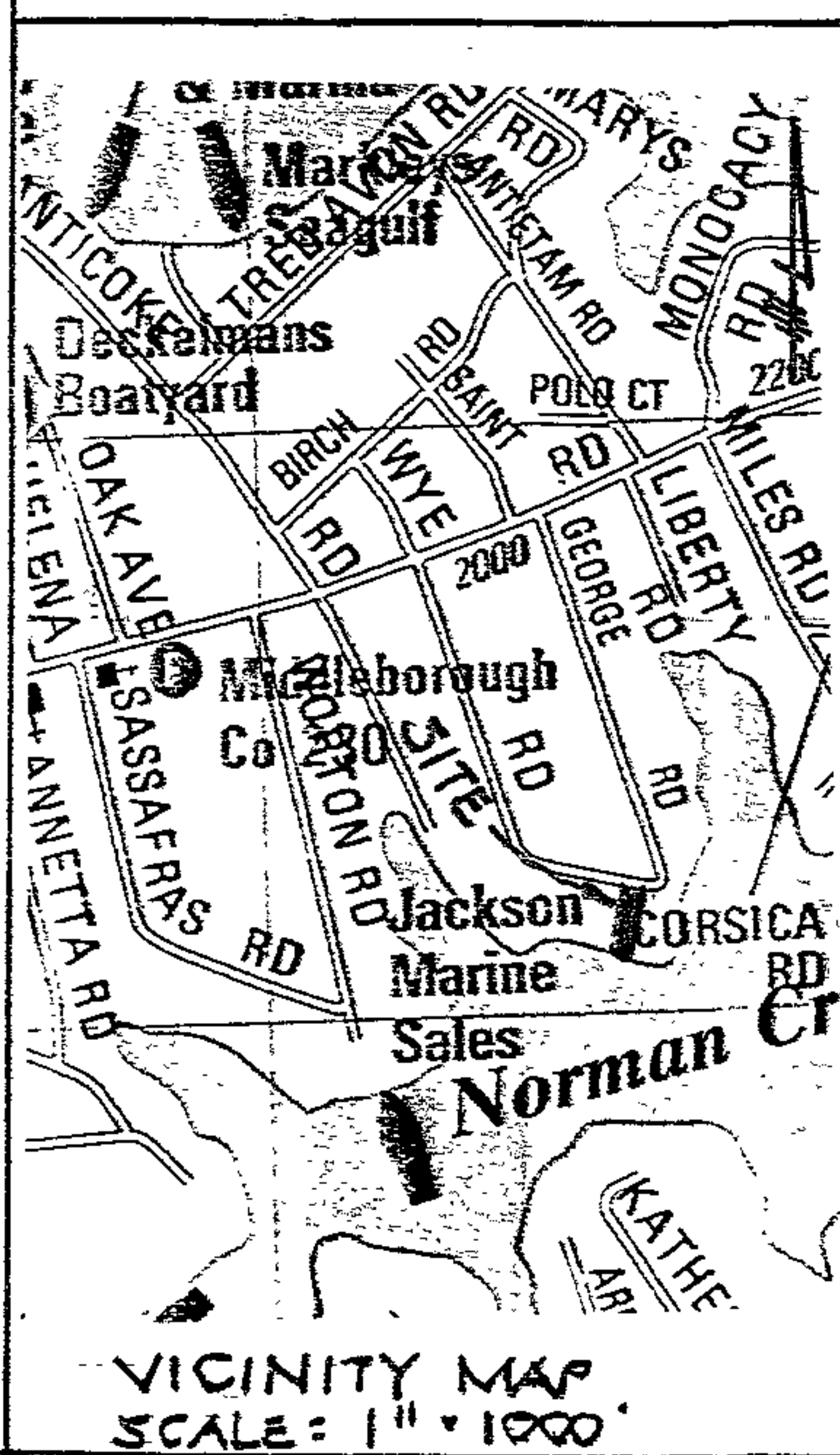
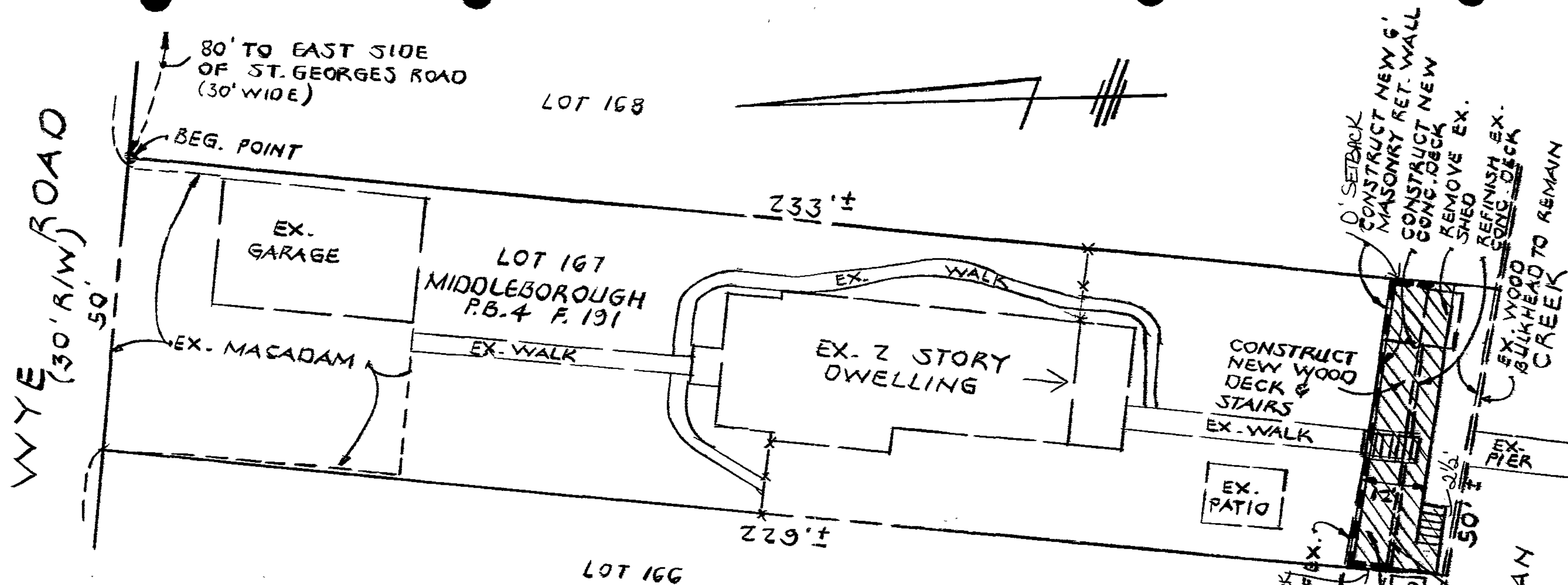
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Teresa Reiley	356 Wye Rd.	Beth, Md. 21221	
Robert Reiley	356 Wye Rd.	Beth, Md. 21221	
Sol A. Minisi	P.O. Box 1043	Beth, Md. 21221	
James Hancock	354 Wye	Beth, Md. 21221	



356 WYE ROAD
SCALE 1" = 200'

05-023-A





NOTES

1. ZONING - D.R. 3.5 (N.E. 1-I & 1-J)
2. LOT AREA = 11,550 S.F. = 0.265 AC.
3. NO ZONING HISTORY
4. PUBLIC WATER AND SEWER
5. NO HISTORIC BUILDINGS EXIST.
6. SITE IS LOCATED IN CBA AND FLOOD ZONE A
7. NO ADDITIONAL IMPERVIOUS AREA IS PROPOSED

OWNER :
ROBERT W & TERESA Y. REILLEY
356 WYE ROAD
BALTIMORE, MD. 21221
(410) 381-6033

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

* RETAINING WALL & CONC. SLOPE
DAMAGED BY HURRICANE
ISABELLE (9-19-03)

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
356 WYE ROAD
ELECTION DISTRICT 15, C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 20 FEET JULY 9, 2004

Det. Ex. #1

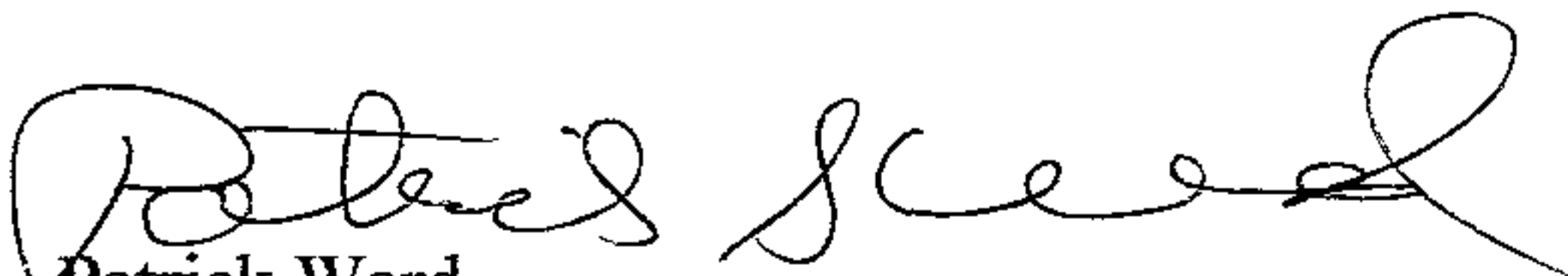
To: Zoning Commissioner, Baltimore County
From: Patrick and Anita Ward
354 Wye Rd
Baltimore Md 21221
RE: Zoning Variance Case # 05-023-A

10/10/04

Dear Sirs,

This letter is to serve notice of our approval for the variance referenced above. We are the next-door neighbors of Robert and Teresa Reilley. We are unable to attend the hearing for this variance due to work schedules. We do support the zoning variance applied for to permit a freestanding deck with a 0 foot setback in lieu of the 2.5 foot setback normally required. We have discussed this with our neighbors and support such positive improvements to the neighborhood. We don't understand why anyone would be opposed to a beautification and improvement that only increases the value of our entire neighborhood. If you have any further questions, please do not hesitate to contact us at 410-686-6906.

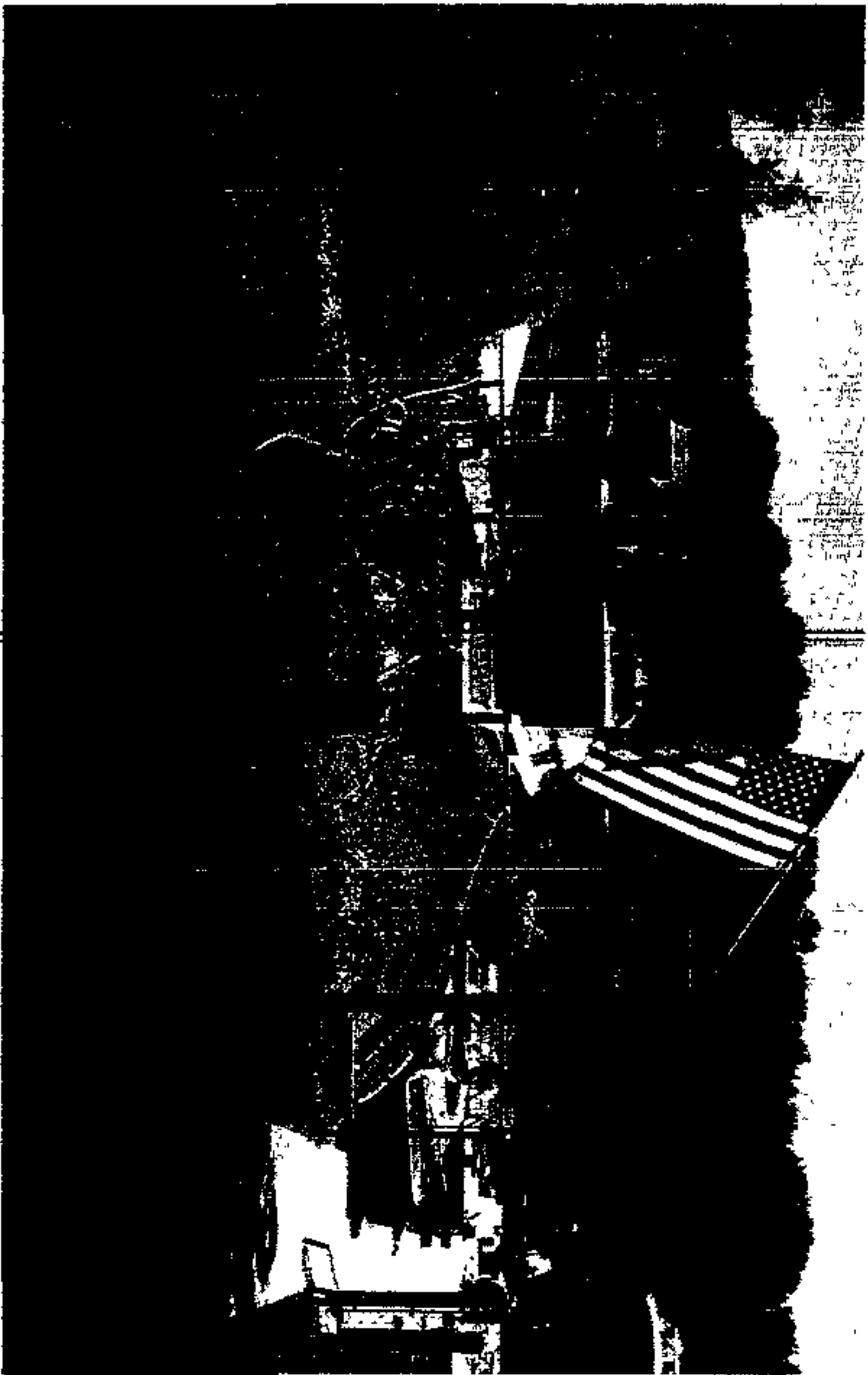
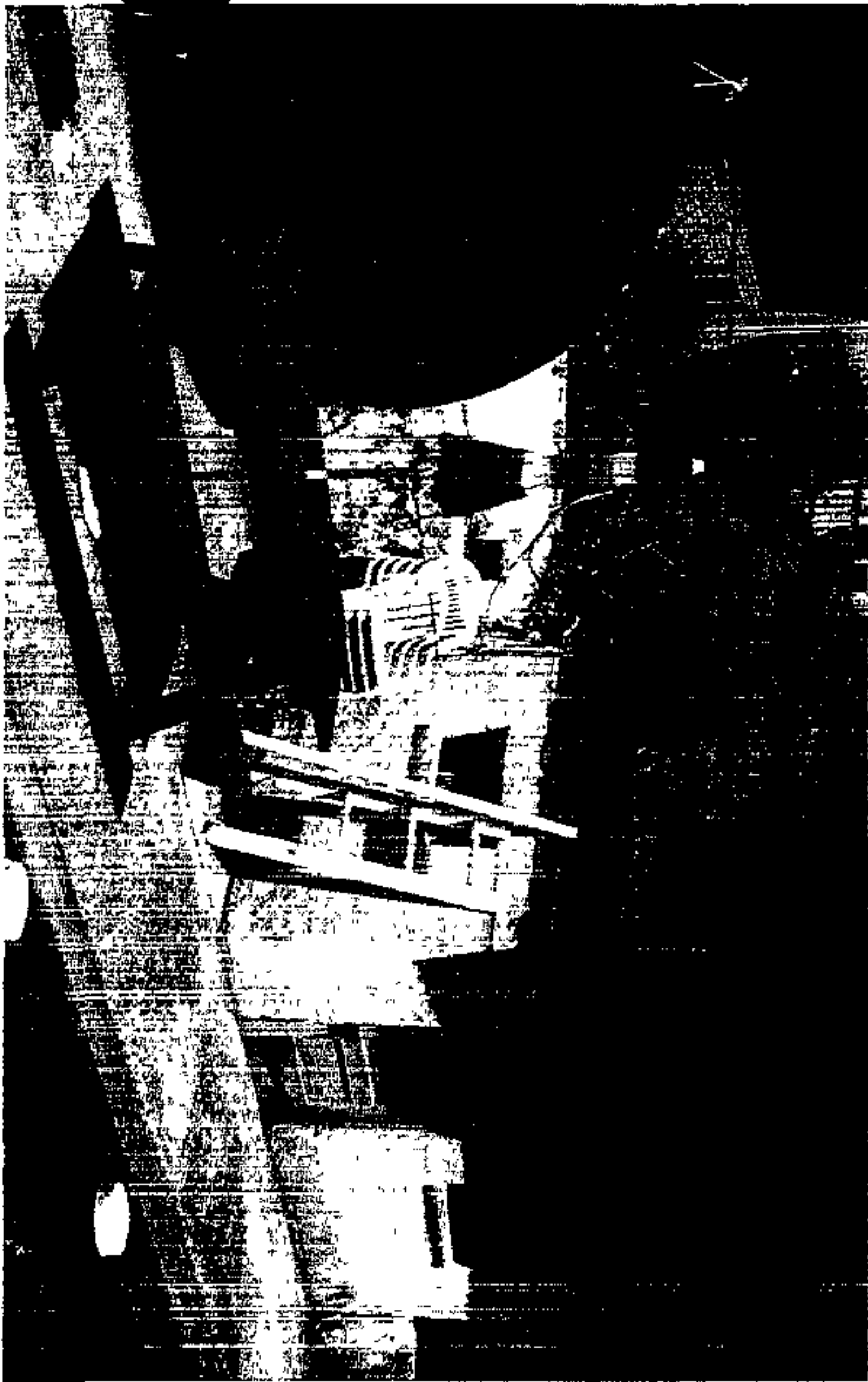
Sincerely,


Patrick Ward

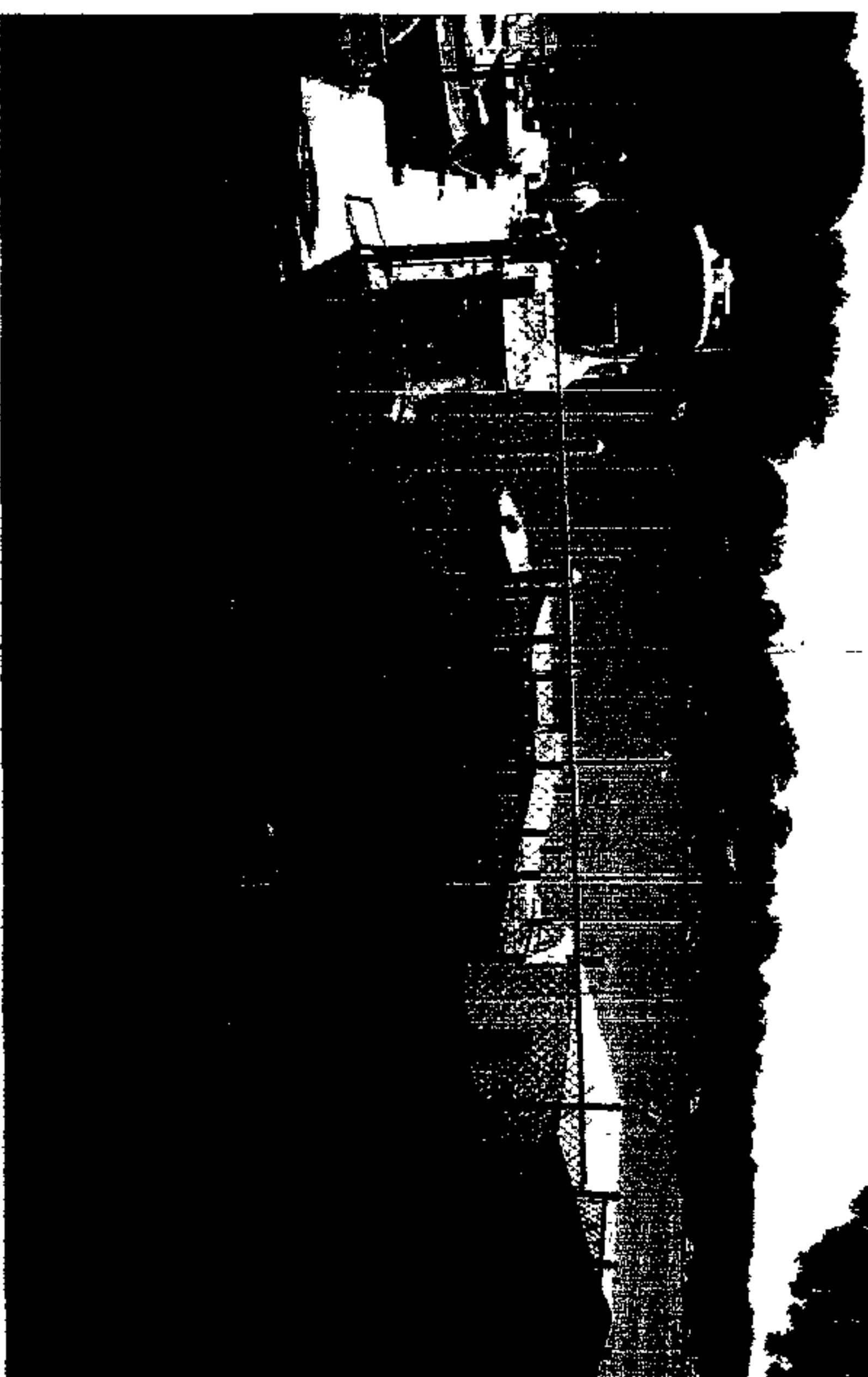
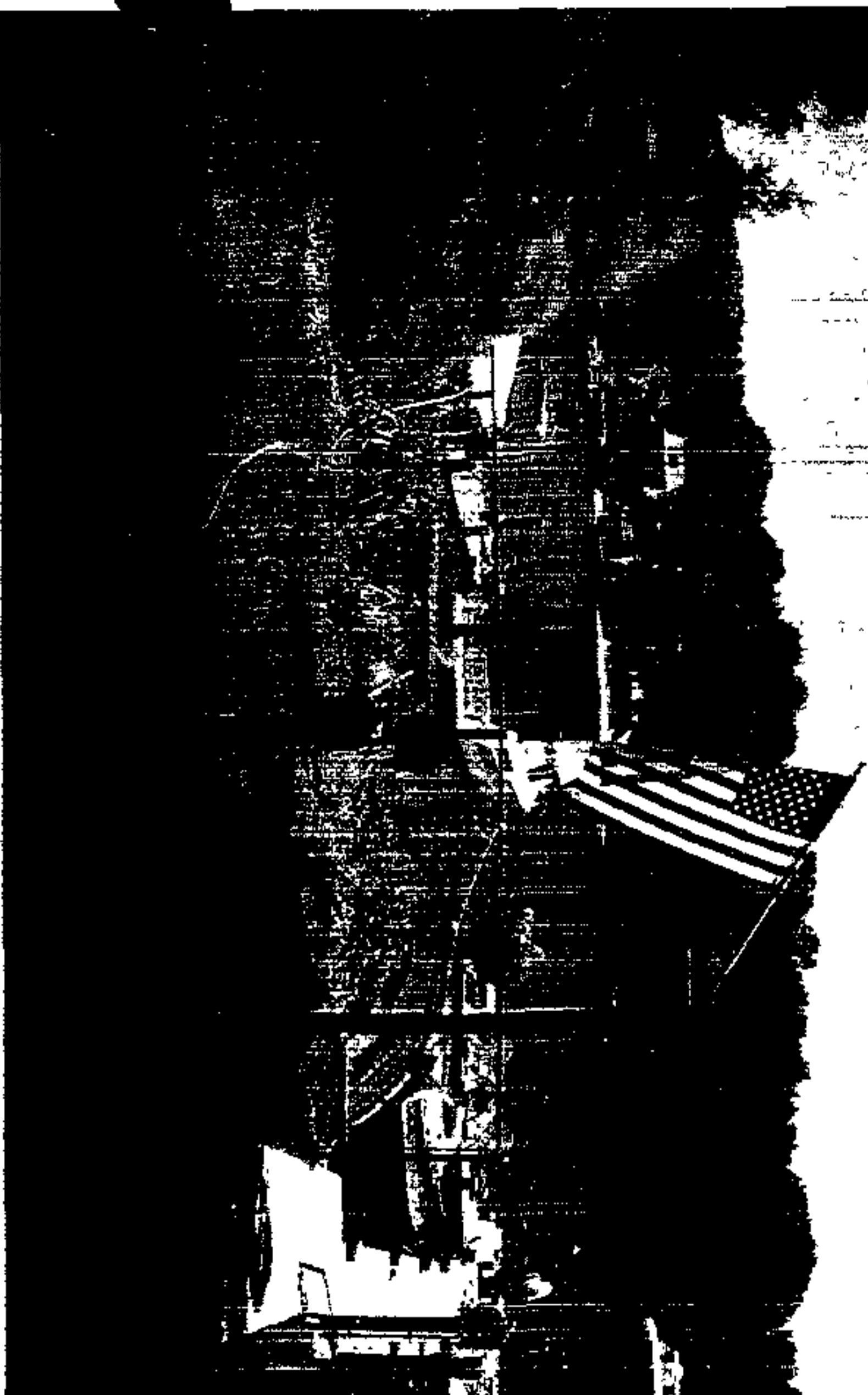
Anita Ward



Petitions
1A



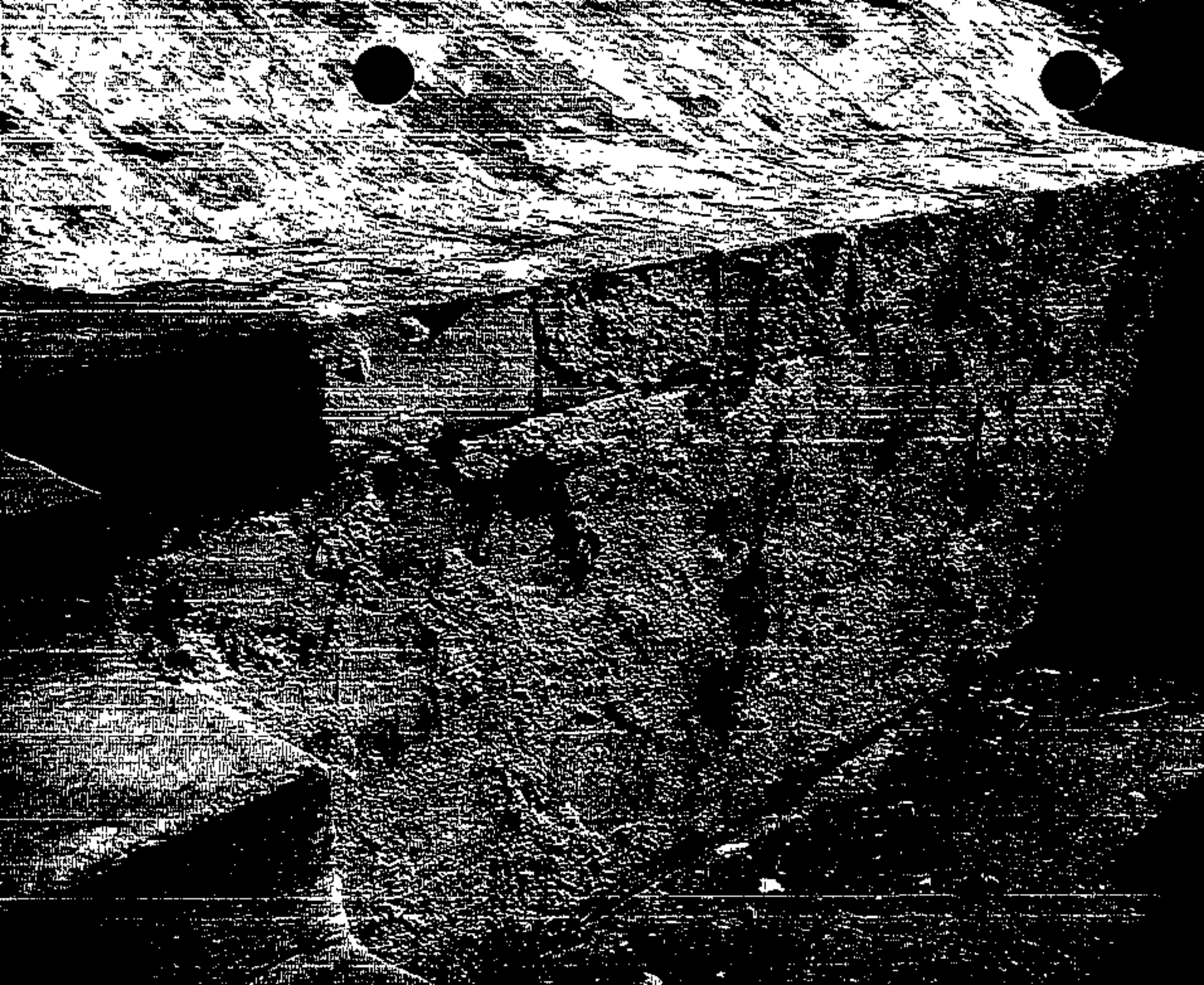
05-053-A



05-023-A



Copyright (C) 2003 Baltimore County, Maryland



Pat - 0

Ruth



Reilly
2



Kathy
3



Reilly
4



11.11.11

Reilly
5



Ruth
6



Ruthy
✓



Kelly
8



Rully
9

CASE NAME 05-023A
CASE NUMBER _____

DATE 16-13-24

NAME _____

ADDRESS

CITY, STATE, ZIP

E-MAIL

Samuel Wood
New York

3542 We Rd
1405 Alexandria Av

Balt Road 21221
Balt. Md. 21221