

RE: PETITION FOR VARIANCE
SE/S of Bucher Road, 142' ft. +/- SW
centerline of Hughes Avenue
5th Election District
7th Councilmanic District
(7219 and 7221 Bucher Road)

Donna McCann
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-122-A & CASE NO. 05-123-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case No. 05-122-A comes before this Deputy Zoning Commissioner as a Petition for approval of an undersized lot filed by the legal owner of the subject property, Donna McCann. The property is located at 7219 Bucher Road in the eastern area of Baltimore County. The variance is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 8 ft. and 9 ft. in lieu of the required 10 ft., and to allow a lot width of 45 ft. in lieu of the required 55 ft. for a dwelling on an undersized lot.

Case No. 05-123-A is a companion case also filed for approval of a variance for the existing house located at 7221 Bucher Road adjacent to the vacant lot at 7219 Bucher Road. Again, the variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 8 ft. and 9 ft. in lieu of the required 10 ft. The subject properties and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance which is applicable to both cases..

The properties were posted with Notice of Hearing on October 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 October 7, 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."

Interested Persons

Appearing at the hearing on behalf of the variance request were Donna McCann, Petitioner and David Billingsley of Central Drafting & Design, Inc., the firm that prepared the site plan of the property. There were no persons in opposition to the variance request who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Billingsley proffered that the properties at 7219 and 7221 Bucher Road originally composed lot 211 of the "Chesapeake Terrace" subdivision, which was recorded in the Land Records of Baltimore County prior to 1940. These are waterfront lots on Jones Creek. Lot 211 had 100 ft. of road frontage and was 90 ft. wide. In March 1947, this lot was subdivided by deed into two 45 ft. wide lots. DR 5.5 zoning was imposed on the property thereafter. Both lots meet the area requirements for the DR 5.5 zoning. A house was erected on 7221 Bucher Road in 1961. That

ORDER RECEIVED FOR FILING
Date 11/11/01
By Ray

house is 8 ft. and 9 ft. from the property lines as shown on Petitioner's Exhibit No. 1. Thus, the request for variance in Case No. 05-123-A for these side yard setbacks in lieu of the required 10 ft.

Ms McCann indicated that she purchased these properties in July 2004 with the intention to build a new home on the now vacant lot at 7219 Bucher Road. She planned to move into the new home once constructed. She then would like to have her parents move into the existing house at 7221 because they are getting older and will required her nearby assistance in the future. The vacant lot is 45 ft. wide in lieu of the required 55 ft. width. Ms. McCann proposes to build the new home on 7219 Bucher Road with the same side yard setback dimensions of 8 and 9 ft., again in lieu of the required 10 ft. Otherwise, the lot and proposed home meet all County regulations.

The properties are served with public water and sewer. Mr. Billingsley presented the present sewer plan from the County as Petitioner's Exhibit No. 2, which indicates that the County recognizes two connections. He indicated that many of the homes in the area have side yard setbacks similar to those requested in these Petitions.

The hearing then focused on the issue in this case, which is whether or not the proposed new home on a 45 ft. wide lot would change the character of the neighborhood. Mr. Billingsley pointed out that waterfront lots 217 through 222, as shown on Exhibit No. 2, are all 50 ft. wide lots with homes having side yard setbacks similar to the proposed requests. He also pointed out that virtually all of the lots behind the waterfront lots are 50 ft. wide lots. Finally, he noted that the side yard setback for the house at 7223 is only 7 ft. from the property line.

On the other hand, he admitted that waterfront lots 207 through 211 are generally single-family homes on lots with 80, 90 and 100 ft. widths as seen in Exhibit No. 2. It appears that lot 212 was similarly subdivided into smaller lots but only the home located at 7223 Bucher Road has been built on these lots. Similarly, lot 213 seems to have been subdivided but again there is only one

11/10/04
J. J. J.

house on the double lots. Lot 214 seems to be a vacant 50 ft. lot. Lots 215 and 216 appear very similar to the subject lots in that a home had been erected on only one lot of the two owned by the same person.

The zoning map, which is included in the file along with Exhibit No. 2, shows that lots 198 through 203, which are immediately behind the subject properties, are all developed on double lots as are nearly all of the lots north of Hughes Avenue.

Findings of fact and conclusions of law

This is a very close case and likely to be appealed to the Board of Appeals. Consequently, I will make a finding on all the relevant issues. First, I find that the lots in question are unique in a zoning sense in that they compose lot 211 which was recorded in the land records many years before the DR zoning was imposed upon them. Therefore, I find that they are impacted by the DR regulations in a manner different from lots designed after the regulations were imposed.

Ms. McCann presents a hardship case citing the need to be near her aging parents who presumably would live in the existing house after she builds a new home. Of course, there would be nothing to prevent her from simply selling both. The Zoning Commissioner's Policy Manual, Section 304, warns of approving undersized lots that the owner has not held for at least six years. Here, Ms. McCann purchased the properties only last July. As pointed out by the Office of Planning, the existing house can meet the regulations on one side simply by lot line adjustment with the vacant lot, but this would merely make the now vacant lot two feet narrower. There is nothing that can be done for the one foot variance requested on the 212 lot side. This is an existing house. No one suggests that the owner slice one foot off the house to make it conform. Failure to grant this request, however, simply means the existing home would be nonconforming.

11/1/21
P. Ray

In regard to zoning density, there is nothing in this case to suggest that if the request were granted the density would be exceeded in the area. Both lots substantially exceed the lot area for DR 5.5 zoning.

As noted above, the problem with the request comes in determining if the proposed two lots with homes on 45 ft. wide lots would change the character of the neighborhood and violate the spirit and intent of the regulations as well as the communities general welfare. I accept Mr. Billingsley's contention that the proposed uses would be compatible with the pattern of development shown on waterfront lots 217, 218, 219 and 222. However, the remainder of the neighborhood appears, from the evidence I have before me, to be developed on double lots. This is true not only on the adjacent waterfront lots but the homes and lots behind the subject property. Therefore, I must deny the requested variances.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's request for variance and for approval of an undersized lot should be denied.

THEREFORE, IT IS ORDERED, this 1 day of ^{November}~~October~~, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request in Case No 05-122A for a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard of 8 ft. and 9 ft. in lieu of the required 10 ft. and to allow a lot width of 45 ft. in lieu of the required 55 ft. for a dwelling on an undersized lot, and in case no. 05-123-A for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard of 8 ft. and 9 ft. in lieu of the required 10 ft., be and is hereby DENIED.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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
William J. Wiseman III, Zoning Commissioner

November 1
October 29, 2004

Donna M. McCann
3016 Cedarcrest Avenue
Baltimore, Maryland 21219

Re: Petitions for Variance
Case Nos. 05-122-A & 05-123-A
Property: 7219 Bucher Road

Dear Ms. McCann:

Enclosed please find the decision rendered in the above-captioned cases. The petitions for variance have been denied 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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, MD 21040

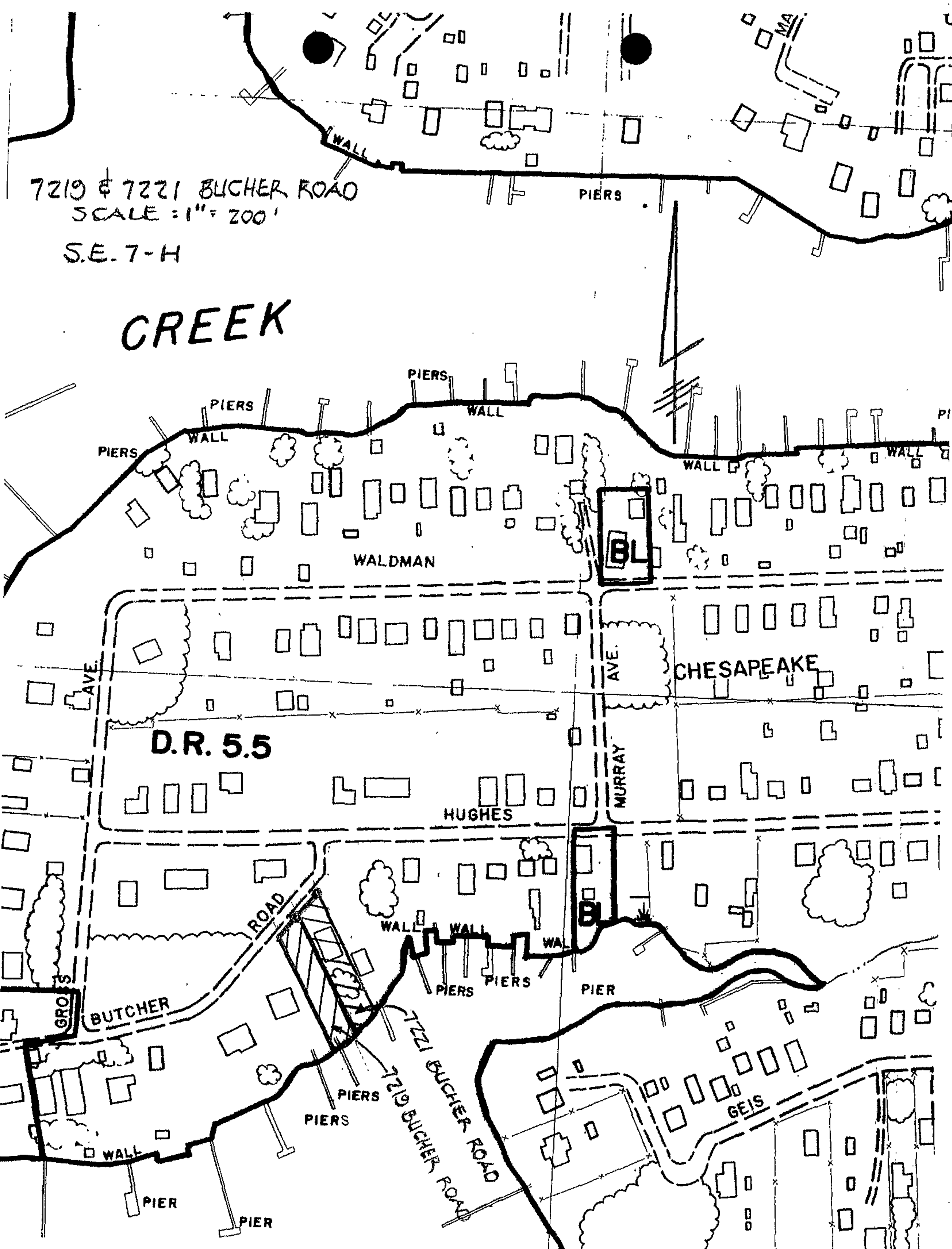
Visit the County's Website at www.baltimorecountyonline.info

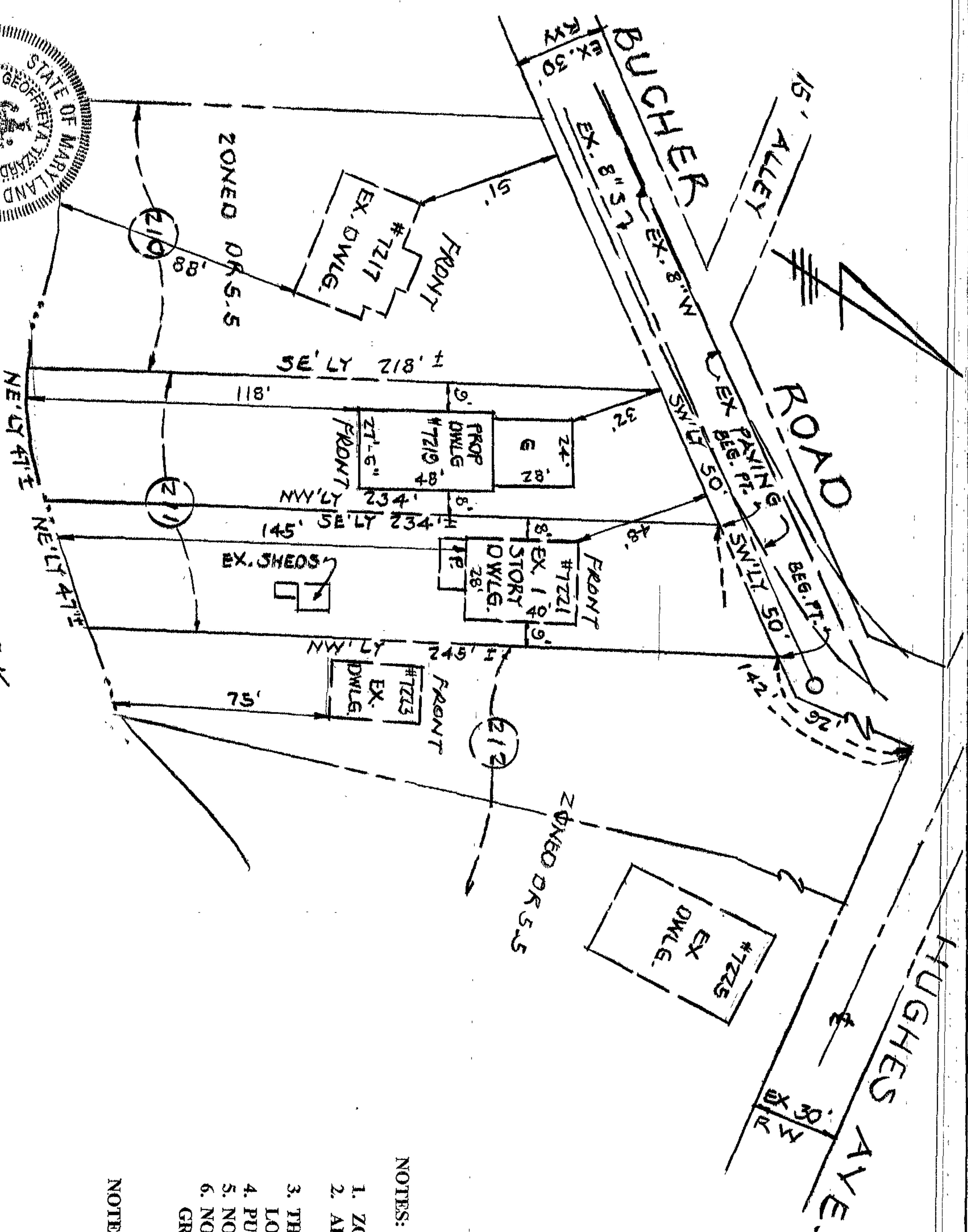
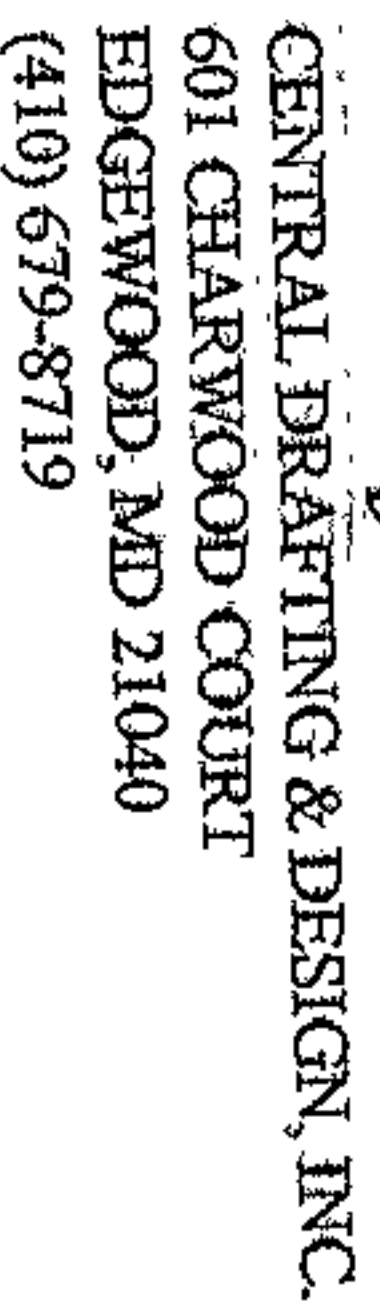


7219 & 7221 BUCHER ROAD
SCALE: 1" = 200'

S.E. 7-H

CREEK





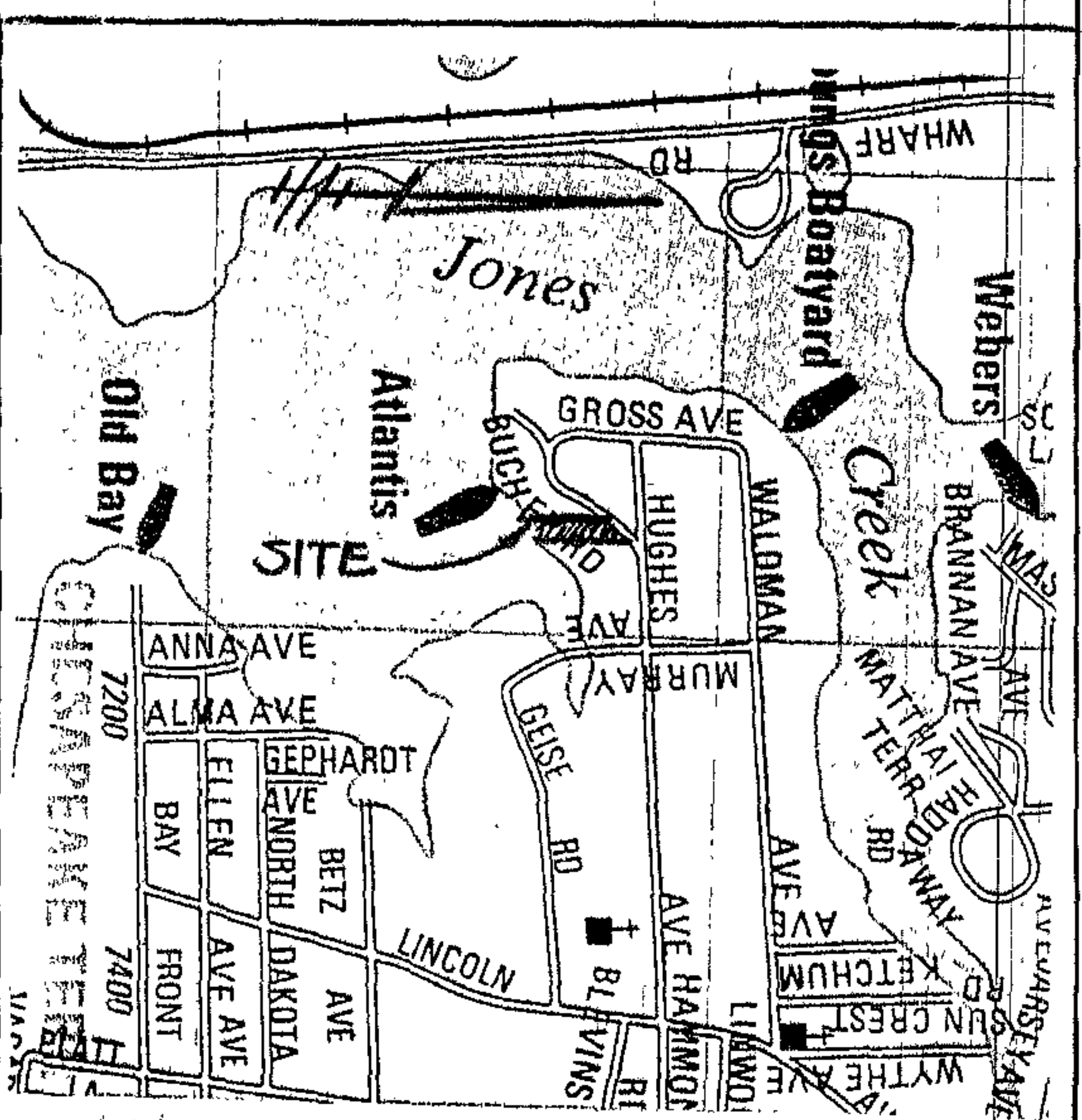
OWNER
DONNA M. MCCANN
3016 CEDARCREST AVENUE
BALTIMORE, MARYLAND 21219
ACCT NOS. 2400006282 & 83

1. ZONING.....DR 5.5 (SE 74)
2. AREA.....7219 BUCHER ROAD.....10,283 S.F. = 0.235 AC.
7221 BUCHER ROAD.....10,850 S.F. = 0.249 AC.
3. THESE LOTS ARE LOCATED IN THE CBCA. PORTIONS OF THESE LOTS ARE LOCATED IN FLOOD ZONE A.
4. PUBLIC WATER AND SEWER EXIST
5. NO PREVIOUS ZONING HISTORY
6. NO HISTORIC BUILDINGS, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST

NOTE: THESE LOTS WERE CREATED BY DEED DATED MARCH 19, 1947 AND RECORDED IN THE BALTO. CO. LAND RECORDS IN LIBER 1541 FOLIO 271

PLAT TO ACCOMPANY PETITION FOR VARIANCES AND UNDERSIZED LOTS

BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET
AUGUST 23, 2004



YICINITY MAP
SCALE: 1" = 1000'

RE: PETITION FOR VARIANCE
SE/S of Bucher Road, 142 ft. +/- SW
centerline of Hughes Avenue
5th Election District
7th Councilmanic District
(7219 and 7221 Bucher Road)

Donna McCann
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
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* CASE NO. 05-122-A & CASE NO. 05-123-A

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DATE RECEIVED FOR FILING
Date 11/1/04
By [Signature]

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Interested Persons

Appearing at the hearing on behalf of the variance request were Donna McCann, Petitioner and David Billingsley of Central Drafting & Design, Inc., the firm that prepared the site plan of the property. There were no persons in opposition to the variance request who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

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ORDER RECEIVED FOR FILING

Date

11/1/04

By

Ray

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On the other hand, he admitted that waterfront lots 207 through 211 are generally single-family homes on lots with 80, 90 and 100 ft. widths as seen in Exhibit No. 2. It appears that lot 212 was similarly subdivided into smaller lots but only the home located at 7223 Bucher Road has been built on these lots. Similarly, lot 213 seems to have been subdivided but again there is only one

ORIGINAL RECEIVED FOR FILING
Date 11/1/04
BY [Signature]

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The zoning map, which is included in the file along with Exhibit No. 2, shows that lots 198 through 203, which are immediately behind the subject properties, are all developed on double lots as are nearly all of the lots north of Hughes Avenue.

Findings of fact and conclusions of law

This is a very close case and likely to be appealed to the Board of Appeals. Consequently, I will make a finding on all the relevant issues. First, I find that the lots in question are unique in a zoning sense in that they compose lot 211 which was recorded in the land records many years before the DR zoning was imposed upon them. Therefore, I find that they are impacted by the DR regulations in a manner different from lots designed after the regulations were imposed.

Ms. McCann presents a hardship case citing the need to be near her aging parents who presumably would live in the existing house after she builds a new home. Of course, there would be nothing to prevent her from simply selling both. The Zoning Commissioner's Policy Manual, Section 304, warns of approving undersized lots that the owner has not held for at least six years. Here, Ms. McCann purchased the properties only last July. As pointed out by the Office of Planning, the existing house can meet the regulations on one side simply by lot line adjustment with the vacant lot, but this would merely make the now vacant lot two feet narrower. There is nothing that can be done for the one foot variance requested on the 212 lot side. This is an existing house. No one suggests that the owner slice one foot off the house to make it conform. Failure to grant this request, however, simply means the existing home would be nonconforming.

ORIGINAL RECEIVED PLANNING
Date 11/10/04
By [Signature]

In regard to zoning density, there is nothing in this case to suggest that if the request were granted the density would be exceeded in the area. Both lots substantially exceed the lot area for DR 5.5 zoning.

As noted above, the problem with the request comes in determining if the proposed two lots with homes on 45 ft. wide lots would change the character of the neighborhood and violate the spirit and intent of the regulations as well as the communities general welfare. I accept Mr. Billingsley's contention that the proposed uses would be compatible with the pattern of development shown on waterfront lots 217, 218, 219 and 222. However, the remainder of the neighborhood appears, from the evidence I have before me, to be developed on double lots. This is true not only on the adjacent waterfront lots but the homes and lots behind the subject property. Therefore, I must deny the requested variances.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's request for variance and for approval of an undersized lot should be denied.

THEREFORE, IT IS ORDERED, this 1 day of ^{November}~~October~~, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request in Case No 05-122A for a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard of 8 ft. and 9 ft. in lieu of the required 10 ft. and to allow a lot width of 45 ft. in lieu of the required 55 ft. for a dwelling on an undersized lot, and in case no. 05-123-A for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard of 8 ft. and 9 ft. in lieu of the required 10 ft., be and is hereby DENIED.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

By

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
William J. Wiseman III, Zoning Commissioner

November 1
October 29, 2004

Donna M. McCann
3016 Cedarcrest Avenue
Baltimore, Maryland 21219

Re: Petitions for Variance
Case Nos. 05-122-A & 05-123-A
Property: 7219 Bucher Road

Dear Ms. McCann:

Enclosed please find the decision rendered in the above-captioned cases. The petitions for variance have been denied 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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, MD 21040





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 7219 BUCHER ROAD
which is presently zoned DR 5.5

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)

1B02.3.C.1 TO ALLOW A SIDE YARD OF 8 FEET AND 9 FEET
IN LIEU OF THE REQUIRED 10 FEET AND TO ALLOW A LOT
WIDTH OF 45ft. IN LIEU OF THE REQUIRED 55ft.
FOR A DWELLING ON AN UNDERSIZED LOT

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

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

Case No.

05-122A

Legal Owner(s):

DONNA M. MCCANN

Name - Type or Print

x Donna M. McCann

Signature

Name - Type or Print

Signature

3016 CEDARCREST AVE (410) 477-2422

Address

Telephone No.

BALTIMORE

MD.

21219

City

State

Zip Code

Representative to be Contacted:

CENTRAL DRAFTING & DESIGN, INC.

DAVID BILLINGSLEY

Name

601 CHARWOOD CT (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

-OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Jam

Date 9.3.04

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING VARIANCE
7219 BUCHER AVENUE**

Beginning for the same at a point on the southeast side of Bucher Road (30 feet wide) distant southwesterly 142 feet measured along the southeast side of said Bucher Road from it's intersection with the south side of Hughes Avenue (30 feet wide), thence (1) Southwesterly 50 feet, thence (2) Southeasterly 218 feet more or less, thence (3) Northeasterly 47 feet more or less and (4) Northwesterly 234 feet more or less to the place of beginning. Containing 10,283 square feet or 0.235 acre of land more or less.

Being known as 7219 Bucher Avenue. Located in the 15th Election District, 7th Councilmanic District of Baltimore County, Maryland.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

122

No. 40674

DATE 9.3.04 ACCOUNT 001-006-6150

AMOUNT \$ 115.00

RECEIVED FROM: D. McCANN 7219 Bucher

FOR: UAR

UND. BOT.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRN
9/07/2004	9/03/2004	14:45:28	2
REB MS02	HAIL	JAVA JEE	
->RECEIPT # 359459			9/03/2004
Dept 5			528 ZONING VERIFICATION
CR NO. 040674			
Recpt Tot		\$115.00	
\$260.00	CR	\$1.00	CA
		\$80.00	BT
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: #05-122-A

7219 Bucher Road

S/east side of Bucher Road, 142 feet +/- s/west of Hughes Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): Donna McCann

Variance: to allow a side yard of 8 feet and 9 feet in lieu of the required 10 feet and to allow lot width of 45 feet in lieu of the required 55 feet for a dwelling on an undersized lot.

Hearing: Tuesday, October 26, 2004 at 9:00 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.

10/011 October 7

24521

CERTIFICATE OF PUBLICATION

10/7/2004

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 10/7/2004.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 05-122-A

Petitioner/Developer: DONNA M

MCCANN

Date of Hearing/Closing: 10/24/04

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: _____

7219 Butler RD

The sign(s) were posted on _____

10/9/04
(Month, Day, Year)

Sincerely,

Robert Black 10/12/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

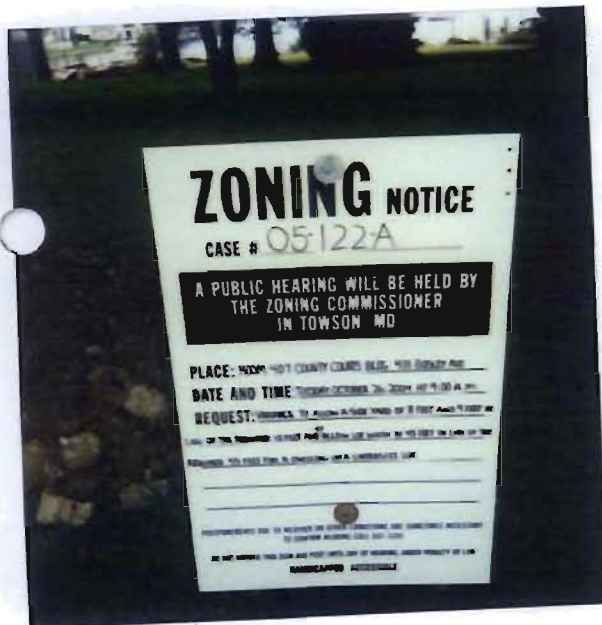
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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 122

Petitioner: DONNA McCANN

Address or Location: 7219 Bucher Rd.

PLEASE FORWARD ADVERTISING BILL TO

Name: DONNA McCANN Ad.

Address 3016 CEDAR CREST Ave.
BALTO. Md. 21219

Telephone Number: 410-477-2422

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 7, 2004 Issue - Jeffersonian

Please forward billing to:
Donna McCann
3016 Cedarcrest Avenue
Baltimore, MD 21219

410-477-2422

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: 05-122-A

7219 Bucher Road

S/east side of Bucher Road, 142 feet +/- s/west of Hughes Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Donna M. McCann

Variance to allow a side yard of 8 feet and 9 feet in lieu of the required 10 feet and to allow lot width of 45 feet in lieu of the required 55 feet for a dwelling on an undersize lot.

Hearing: Tuesday, October 26, 2004 at 9:00 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.



September 10, 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: 05-122-A

7219 Bucher Road
S/east side of Bucher Road, 142 feet +/- s/west of Hughes Avenue
15th Election District – 7th Councilmanic District
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401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Donna McCann, 3016 Cedarcrest Ave., Baltimore 21219
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 9, 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
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*

October 20, 2004

Donna McCann
3016 Cedarcrest Avenue
Baltimore, Maryland 21219

Dear Ms. McCann:

RE: Case Number: 05-122-A, 7219 Bucher Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 3, 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Court Edgewood 21040

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 8, 2004

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

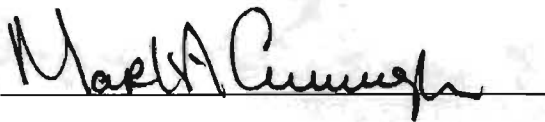
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-122 – (Companion Case 5-123)

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling at 7219 Bucher Road:

1. Submit building elevations to this office for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along Bucher Road.

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

Fire Department

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



Baltimore County

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

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

September 14, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 13, 2004

Item No.: 108, 116-119, 122-124, 128 & 129

Pursuant to your request, the referenced plan(s) have been reviewed 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

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



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

Maryland Department of Transportation

Date: 9.13.04

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

RE: Baltimore County
Item No. 122 JCM

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 28, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For September 20, 2004
Item Nos. 117, 119, 122, 123, 124,
128, and 129

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

RWB:CEN:jrb

cc: File

gm 10/26
Robin
Felt

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO: Tim Kotroco

FROM: John D. Oltman, Jr. ^{gm}

OCT - 6 2004

DATE: October 6, 2004

ZONING COMMISSIONER

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 13, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-108
04-117
04-118
04-119
04-121
04-122
04-123
04-124
04-126
04-128
04-129

Reviewers: Sue Farinetti, Dave Lykens

RE: PETITION FOR VARIANCE * BEFORE THE
7219 Bucher Road; SE/side Bucher Road, *
142' SW of Hughes Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Donna M. McCann * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-122-A

* * * * *

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.

RECEIVED

SEP 22 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 22nd day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 05-122A

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

Residential Processing Fee Paid
(\$50.00)

Accepted by JLM
Date 9.3.04

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

DONNA M McCANN 3016 CEDARCREST AVE 21219 (410) 477-2422
Print Name of Applicant Address Telephone Number
Lot Address 7219 BUCHER ROAD Election District 15 Councilmanic District 7 Square Feet 10,283
Lot Location: NE S W side/corner of BUCHER ROAD 142 feet from NE S W corner of HUGHES AVENUE
(street) (street)
Land Owner: DONNA M McCANN Tax Account Number 2400006282
Address: 3016 CEDARCREST AVE 21219 Telephone Number (410) 477-2422

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan Property (3 copies)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>DR 5.5</u>		☒ WILL BE DELIVERED TO PLNG.

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning and Community Conservation

Date: _____

Revised 2/05/02

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

CASE NAME 7219 BUCHER RD.
CASE NUMBER 05-122-A
DATE 10/26/04

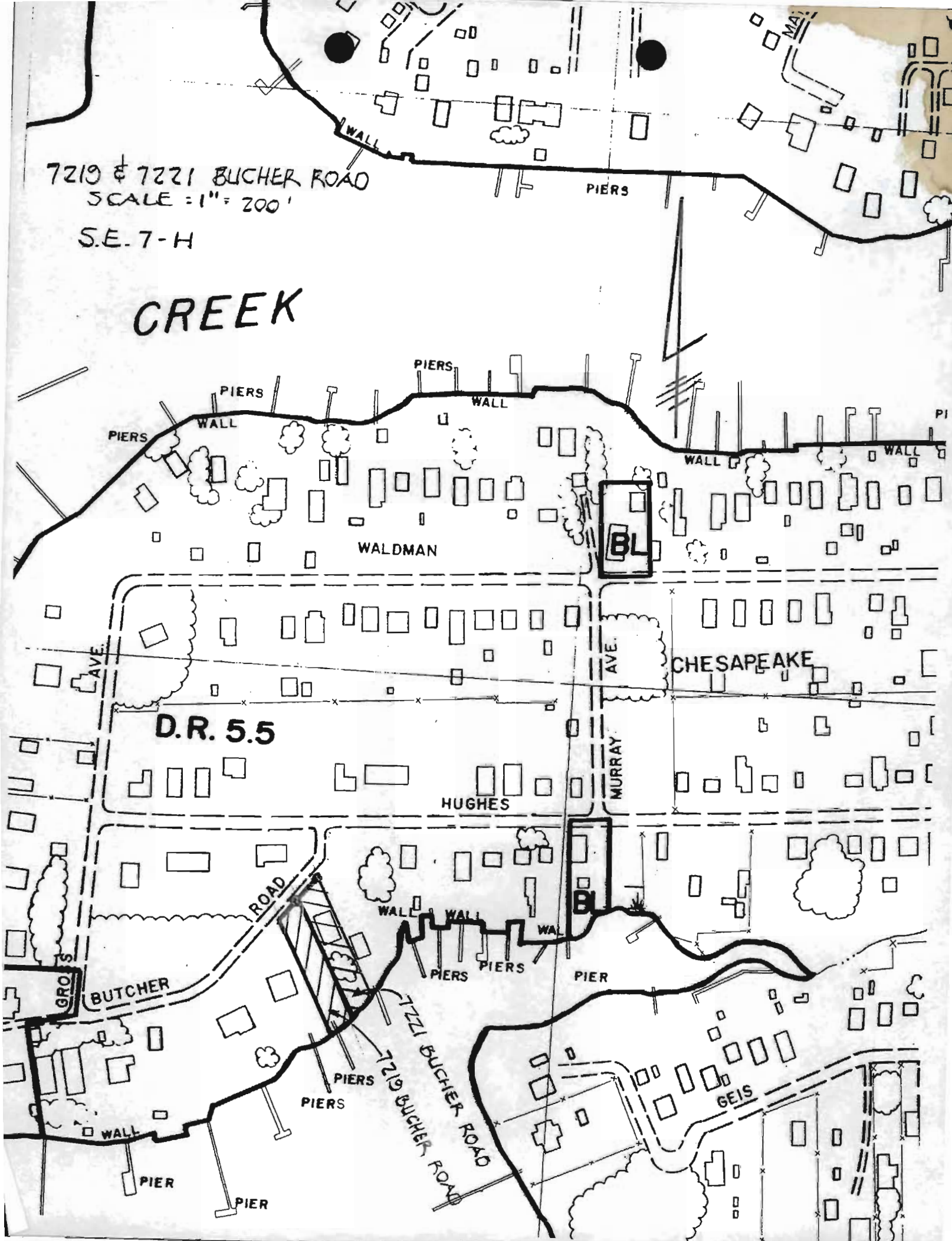
[illegible]

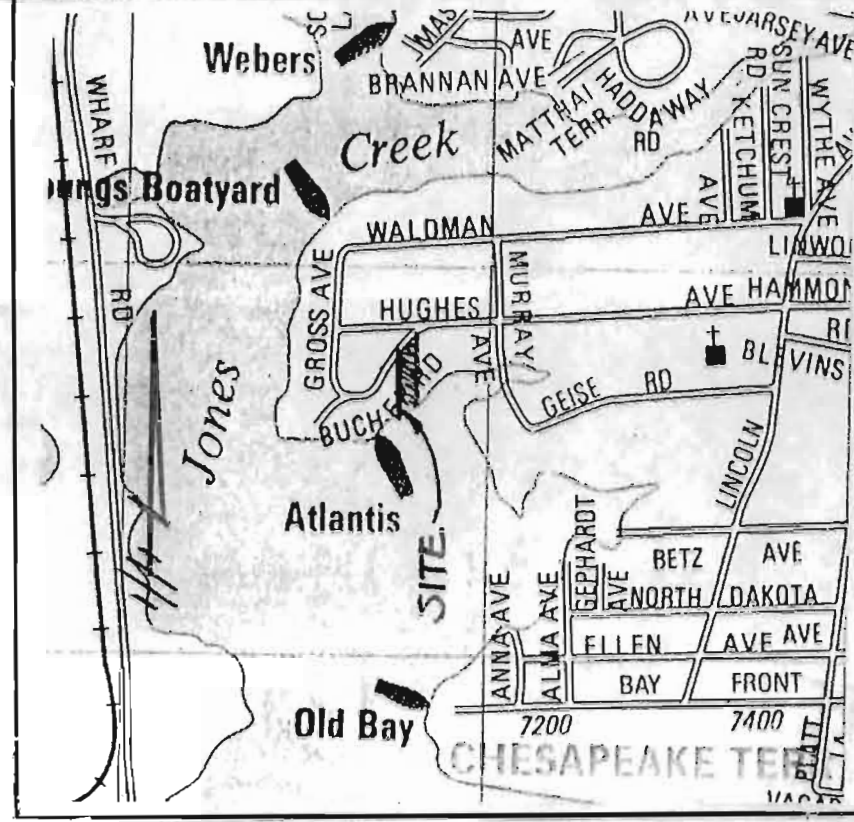
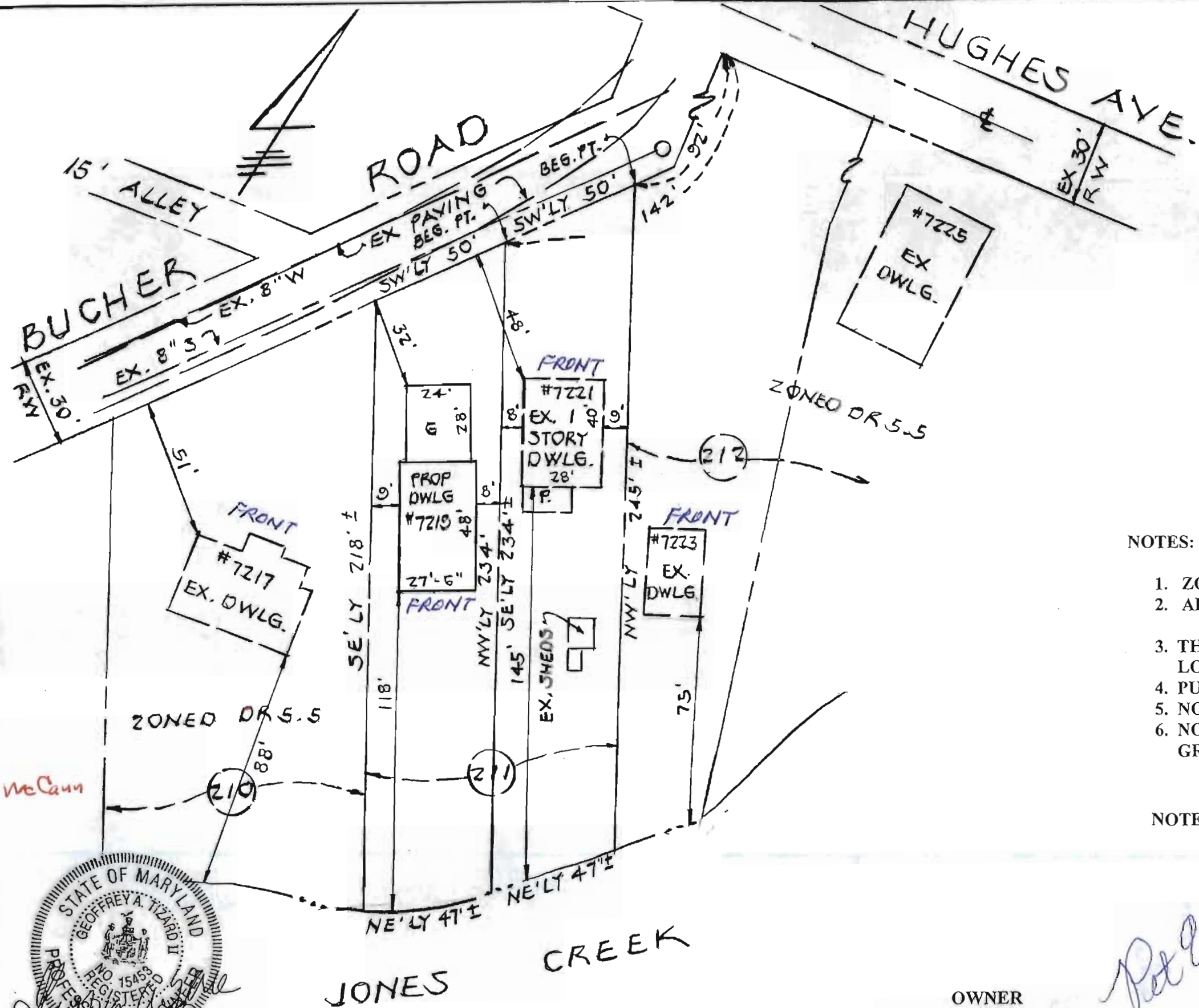
7219 & 7221 BUCHER ROAD

SCALE = 1" = 200'

S.E. 7-H

CREEK





VICINITY MAP
SCALE: 1" = 1000'

NOTES:

1. ZONING.....DR 5.5 (SE 7-H)
2. AREA.....7219 BUCHER ROAD.....10,283 S.F. = 0.235 AC.
7221 BUCHER ROAD.....10,850 S.F. = 0.249 AC.
3. THESE LOTS ARE LOCATED IN THE CBCA. PORTIONS OF THESE LOTS ARE LOCATED IN FLOOD ZONE A.
4. PUBLIC WATER AND SEWER EXIST
5. NO PREVIOUS ZONING HISTORY
6. NO HISTORIC BUILDINGS, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST

NOTE: THESE LOTS WERE CREATED BY DEED DATED MARCH 19, 1947 AND RECORDED IN THE BALTO. CO. LAND RECORDS IN LIBER 1541 FOLIO 271



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

OWNER
DONNA M. MCCANN
3016 CEDARCREST AVENUE
BALTIMORE, MARYLAND 21219
ACCT NOS. 2400006282 & 83

Pat #1

PLAT TO ACCOMPANY PETITION FOR
VARIANCES AND UNDERSIZED LOTS
7219 AND 7221 BUCHER ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET
AUGUST 23, 2004