FOR FILING ORDER RE

IN RE: PETITION FOR VARIANCE

S/S St. Mary's Road, 427' S of the c/l

Tred Avon Road

(221 St. Mary's Road)

15th Election District

6th Council District

Karen Weeks Owner/Petitioner

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 05-132-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Karen Weeks, through her attorney, Ralph K. Rothwell, Jr., Esquire. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet and a sum of the side yards of 22 feet in lieu of the required 15 feet and 25 feet, respectively; to permit a lot width of 50 feet in lieu of the required 70 feet; and, to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Karen Weeks, property owner, J. Fred Svec, Jr., Buck Jones from Free State General Contractors, the consultants who prepared the site plan, and Ralph K. Rothwell, Jr., Esquire, attorney for the Petitioner. Several residents from the surrounding community appeared as Protestants in the matter. They included adjacent property owners Michael and Holly Farabaugh (217 St. Mary's Road) and Chauncey Smith (229 St. Mary's Road), and John Sweet, Linda J. Martin, Thelma Icenroad and Ron Sweet, all of who are neighbors.

Testimony and evidence offered revealed that the subject property is a rectangular shaped, waterfront parcel located with frontage on the south side of St. Mary's Road, not far from

Tred Avon Road, in Essex. The property is also known as Lot 30 of Middleborough on Middle River (see Plat 4, Folio 191), an older subdivision which was recorded in the Land Records of Baltimore County in June 1916, well prior to the adoption of the zoning regulations. As shown on a copy of the plat, which was submitted into evidence as Petitioner's Exhibit 2, the majority of the lots are 50 feet wide. As such, the property is undersized and cannot meet current lot width and area requirements. The property contains a gross area of 8,470 sq.ft. (.19 acres) more or less, zoned D.R.3.5 and is presently unimproved, but for a bulkhead and pier; however, is served by public water and sewer. Testimony indicated that the Petitioner has resided in the area for 49 years. In fact, she previously resided on the adjacent property (Lot 31) with her husband, Donald Weeks; however, as a result of a divorce, her husband sold that property to Mr. & Mrs. Farabaugh. Further testimony revealed that the Petitioner's parents, George and Betty Rohrig, purchased the subject property in 1982; however, deeded it to Ms. Weeks in April 2004 so that she could build a new home and remain in the community. Ms. Weeks now comes before me seeking relief as set forth above to permit development of the property with a new single-family dwelling.

On behalf of the Petitioner, Mr. Jones testified that he is a builder with 20 years experience in the Middleborough area. He described the proposed house and indicated that its design would be in keeping with the character of other newer homes in the community. As shown on the site plan, the proposed house will be a two-story structure, 28' wide by 49' deep, and feature an attached garage. In addition, a gravel driveway will provide off-street parking for four vehicles. Side yard setbacks of 10' to the west and 12' to the east, adjacent to the Farabaugh property will be provided, and the house will be situated 30 feet from the edge of St. Mary's Road. A review of the site plan shows that these setbacks are consistent with other development in the neighborhood.

John Sweet appeared and testified in opposition to the request. He resides two doors down from the subject property. He testified that he has lived in his home at 215 St. Mary's Road for 37 years and that his father owned the property before him. He is generally opposed to construction on undersized lots and raised an issue relative to the intent of the County Council in

downzoning the area. He has apparently witnessed development of other such undersized lots in his community and believes this trend has prevented him from improving his impervious driveway. He also believes a double standard is at work to the detriment of long-term residents.

Mr. & Mrs. Farabaugh also appeared and testified. As noted above, they purchased the adjacent property at 217 St. Mary's Road from the Petitioner's former husband. Mr. & Mrs. Farabaugh testified that they purchased their property from Donald Weeks following his divorce from the Petitioner in November 2003. They are opposed to the relief requested and believe the subject property is too small to support a single-family dwelling. They also raised issues of safety during the construction phase and water runoff.

Mr. Chauncey Smith, who resides on the other side of the subject property at 229 St. Mary's Road also testified in opposition to the request. He also expressed concerns about potential water runoff problems. In response to these concerns, Mr. Jones testified that swales would be placed on either side of the proposed dwelling to divert water runoff towards Middle River.

Ms. Martin, who resides across the street from the subject property at 216 St. Mary's Road, expressed concerns about increased traffic as a result of the proposed development and complained that her view of the water will be impaired.

Variance relief as set forth above is requested to approve the proposed construction. As is often the case with older communities, the subject property was laid out prior to the adoption of the first set of zoning regulations in Baltimore County in 1945 and thus, does not meet current development standards. Under the D.R.3.5 zoning regulations, a minimum 70-foot wide lot is required. Additionally, strict compliance with side yard setback requirements would dramatically reduce the size of the rooms due to the narrow width of the lot. An examination of the site plan shows that the adjacent property (Smith) to the east is improved with a single-family dwelling on a 50-foot wide lot. The Farabaugh property to the west is likewise improved with a single-family dwelling on a 50-foot wide lot. In fact, that dwelling provides similar setbacks to those proposed here. These characteristics are of note in that the subject proposal appears consistent with the neighborhood and will not overcrowd the lot. Moreover, the record of the case shows that building

elevation drawings of the proposed dwelling were submitted and approved by the Office of Planning on September 22, 2004 as being consistent with the neighborhood. Thus, it appears that the relief requested is appropriate and will not be detrimental to adjacent properties.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. Although I am appreciative of the neighbors' concerns, I find that the Petitioner has satisfied the requirements of Section 307 for relief to be granted. The uniqueness of the property is its narrow width and the fact that same is an older lot of record. It is clear that a denial of the request would prohibit the Petitioner from utilizing the property for an intended purpose, i.e., single-family dwelling. Moreover, for reasons set forth above, I believe that the proposed improvements will not be detrimental to adjacent properties. Indeed, it appears that the proposal is consistent with other development in the neighborhood. However, in approving the relief, I will impose certain conditions.

As noted above, the property is located within the Chesapeake Bay Critical Areas, and as such, is subject to compliance with those regulations, pursuant to the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM). Moreover, the proposed development must comply with Federal Flood Insurance requirements, pursuant to the ZAC comments submitted by the Bureau of Development Plans Review, copies of which are attached hereto and made a part hereof. In addition, the site plan marked as Petitioner's Exhibit 1, should be amended to reflect a minimum 40-foot right-of-way for St. Mary's Road, as noted by the Bureau of Development Plans Review. Third, the proposed construction shall be substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning on September 22, 2004.

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

OR FILMIC

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of November 2004 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback

of 12 feet and a sum of the side yards of 22 feet in lieu of the required 15 feet and 25 feet, respectively; to permit a lot width of 50 feet in lieu of the required 70 feet; and, to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 3) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning on September 22, 2004.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order/1

VILLIAM F. WISEMAN, III Loning Commissioner

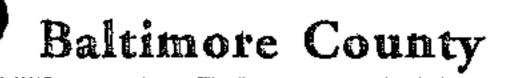
for Baltimore County

WJW:bjs

Zoning Commissioner

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





James T. Smith, Jr., County Executive William J. Wiseman III , Zoning Commissioner

November 30, 2004

Ralph K. Rothwell, Jr., Esquire Maslan, Maslan & Rothwell 7508 Eastern Avenue Baltimore, Maryland 21224

RE: PETITION FOR VARIANCE
S/S St. Mary's Road, 427' S of the c/l Tred Avon Road
(221 St. Mary's Road)
15th Election District – 6th Council District
Karen Weeks - Petitioner

Case No. 05-132-A

Dear Mr. Rothwell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISHMAN, III Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Ms. Karen Weeks

1808 Wilson Point Road, Baltimore, Md. 21220

Mr. Buck Jones, 500 Vogts Lane, Baltimore, Md. 21221

Mr. & Mrs. Michael Farabaugh, 217 St. Mary's Road, Baltimore, Md. 21221

Mr. Chauncey Smith, 229 St. Mary's Road, Baltimore, Md. 21221

Mr. John G. Sweet, 215 St. Mary's Road, Baltimore, Md. 21221

Mr. Ron Sweet, 2114 Tred Avon Road, Baltimore, Md. 21221

Ms. Linda J. Martin & Ms. Thelma Icenroad, 216 St. Mary's Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; Development Plans Review, DPDM; Office of Planning

People's Counsel; Case File



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

For the property located at 221 ST. MARY'S ROAD Which is presently zoned____ DR 3.5

This petition shall be filled 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). see attached

Of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) THE SUBJECT PROPERTY HAS BEEN IN HER FAMILY FOR OVER 20 YRS. THIS PROPERTY BECAME A LOT OF RECORD IN 1916. PRIOR TO ZONING REGULATIONS, IN ORDER TO PRACTICALLY LAYOUT A HOME TO HAVE ADEQUATE ROOM ON BOTH SIDES THE HOUSE NEEDS TO BE 28' WIDE WHICH CAUSES A 3' SIDE YARD VARIANCE. APPLICANT WOULD BE UNABLE TO SECURE A REASONABLE USE OF HER PROPERTY. THIS HARDSHIP IS PECULAIR TO THIS WIDTH OF PROPERTY AND IS NOT A RESULT OF APPLICANTS OWN ACTION. RELIEF WOULD BE IN HARMONY WITH THE SPIRT AND INTENT OF THE ZONING REGULATIONS AND WOULD NOT IMPOSE ANY HARDSHIP TO PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE

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

DATE 10/14/04

I/we are the legal owner(s) of the property which is the subject of

			this petition.						
Contract Purch	aser/Lessee:		Legal O	wner(s)	 				
Name - Type of Pri	nt	.,	Name-Typ	KAREN WEEK	S	 			
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ttorney For	Petitioner:		- 						
			Address	•	Teleph	one No.			
ce: 410-282-270	DO Fax	x: 410-282-3336		BALTIMORE	MD	21221			
			City	State		Zip code			
Ralpi	n K. Rothwell, Attorney At Law	Jr.	Representative to be contacted:						
_				BUCK JONES	,	• , , , , , , , , , , , , , , , , , , ,			
*	4ASLAN & ROTHWE 508 Eastern Avenue	LL, P.A.	Name	-¥					
•	altimore, MD 21224			500 VOGTS LANE					
emall	: RROTHDDL@AOL.CO)M	Address		relepn	one No.			
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1B02.3.C.1 and 304.1 to permit a side yard setback of 12 ft. and a sum of side yards of 22 ft. in lieu of the required 15 ft. and 25 ft. respectively, to permit a lot width of 50 ft. in lieu of the required 70 ft., and to approve an undersized lot.

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ORDER REGENTED FOR FILLING.
USIN HOUSE

The Zoning Commissioner of Baitmore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-132-A
217 St. Mary's Road
3/side of St. Mary's Road
427 feet south of centerline of Tred Avon Road
15th Election District
6th Councilmanic District
6th Counc

CERTIFICATE OF PUBLICATION

113,2004
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 112,2004.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter
North County News

LEGAL ADVERTISING

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: #05-132-A
217 St. Mary's Road
S/side of St. Mary's Road, 427 feet south of centerline of Tred Avon Road
15th Election District — 6th Councilmanic District
Legal Owner(s): Karen Weeks
Variance: to permit a side yard setback of 12 feet and a sum of side yards of 22 feet in fleu of the required 15 feet and 25 respectively, to permit a lot width of 50 feet in fleu of the required 70 feet, and to approve an undersized lot.
Hearing: Wednesday, October 27, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore Coulity
NOTES: (1) Hearings are Handidapped 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.

10/012 October 7 24527

CERTIFICATE OF PUBLICATION

107,200+
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
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings

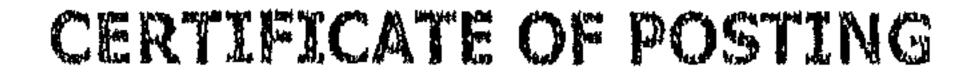
LEGAL ADVERTISING

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ZONING DESCRIPTION

221 ST. MARYS ROAD

BEGINNING AT A POINT ON THE SOUTH SIDE OF ST. MARY'S ROAD WHICH IS 40'
WIDE AT THE DISTANCE OF 427' SOUTH OF THE CENTERLINE OF THE NEAREST
IMPROVED INTERSECTING STREET TRED AVON ROAD. WHICH IS 40' WIDE. BEING LOT # 30.
IN THE SUBDIVISION OF MIDDLEBOROUGH AS RECORDED IN BALTIMORE COUNTY PLAT
BOOK # 4, FOLIO # 191. CONTAINING 8,470 SQ. FT OR .19 ACRES. ALSO KNOWN AS 221
ST. MARY'S ROAD AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMAN DISTRICT.



A	TTENTION: KRISTEN MATTHE	Date: October 25,2004.
	Case Number 05-132-A Petitioner/Developer: FREESTATE Date of (Hearing) Closing: MOVEM BE	GENERAL CONTRACTORS ER 17, 2004
Were	This is to certify under the penalties of per posted conspicuously on the property locate	jury that the necessary sign(s) required by law ed at 221 ST. MARY'S ROAD
	The sign(s) were posted on	October 22, 2004 (Month, Day, Year)
	OS 132 A THE RESIDENCE OF THE PARTY OF THE P	(Signature of Sign Poster) LINDA O KEEFE (Printed Name of Sign Poster) 523 PENNY LANE (Street Address of Sign Poster) HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)
-	221 ST. MARY'S ROAD	410-666-5366 (Telephone Number of Sign Poster)

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RECEIVED

OCT 2.7 2003

DIFL OF PERMITS 5000

CERTIFICATE OF POSITING

ATTENTION: KRISTEN MATTHEWS Date October 14, &	004
RE: Gase Number 05-132-A Petitioner/Developer: FREESTATE GENERAL CONTRACTORS/ETAL, Date of Hearing/Closing: October 27, 2004	
This is to certify under the penalties of perjury that the necessary sign(s) require were posted conspicuously on the property located at 221 St. marys Rope	-
The sign(s) were posted on October 14, 2004 (Month, Day, Year)	
Signature of Sign Poster)	
Printed Name of Sign Poster 523 PENNY A (Street Address of Sign Poster)	MNE

HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

666-5366

RECEIVED

OCT 1 8 2004

DEPT. OF PERMITS AT DEVELOPMENT MARIOTOTALY

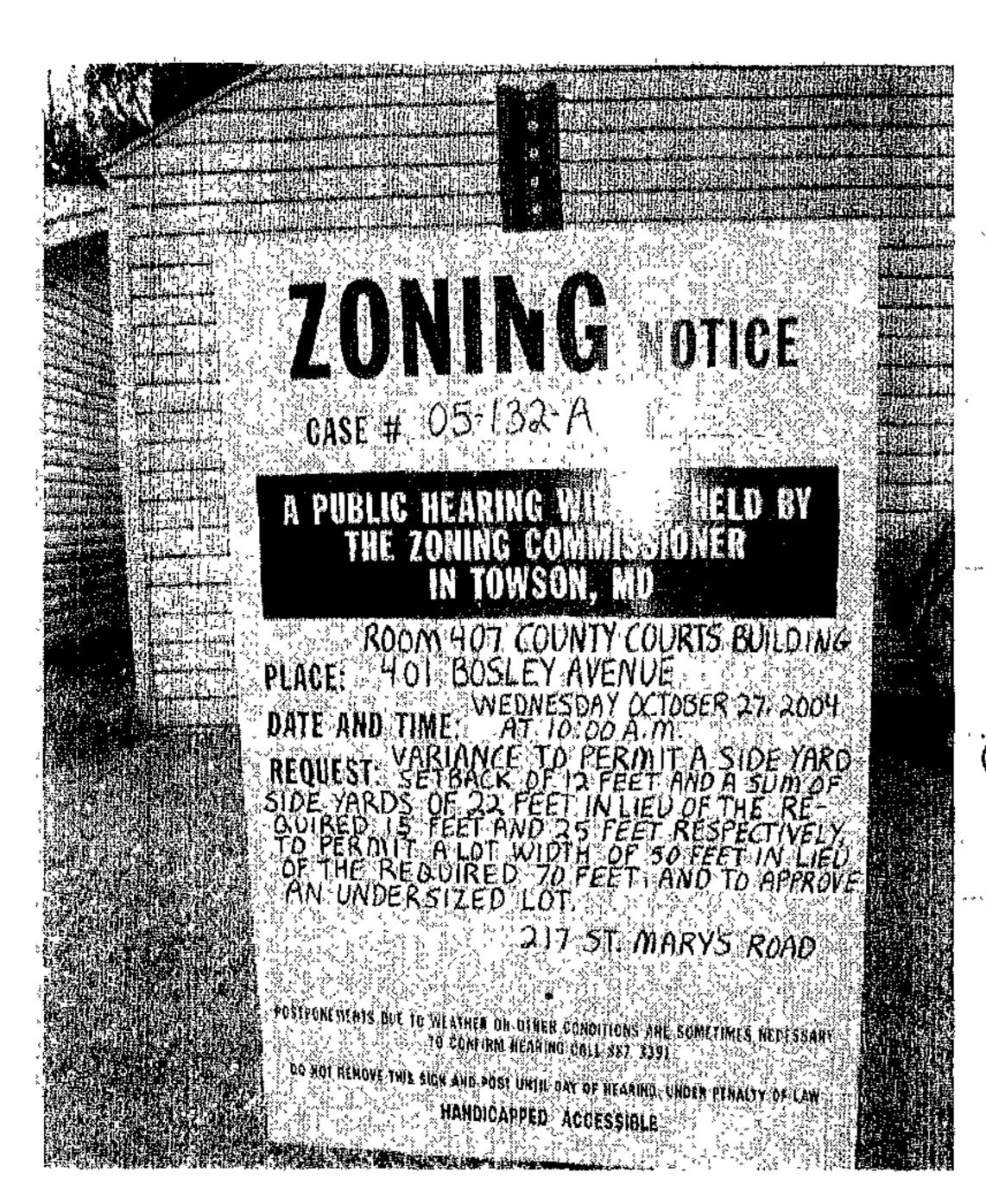
CERTIFICATE OF POSTING

A	TTENTION: KRISTEN MATTHEWS
RE:	Case Number 05-132-A. Petitioner/Developer BUCK JONES/ KAREN WEEKS
	Petitioner/Developer BUCK JONES/KAREN WEEKS
	Date of Hearing) Closing October 27, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 217 55 MARY'S ROAD

The sign(s) were posted on

October 2, 2004



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

RECEIVED

001 - 5 2004

DEFT. OF FUGISIES AND DEVELOPMENT TO APPRICATE TO APPRICA

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

October 18, 2004

NEW 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: 05-132-A

217 St. Mary's Road

S/side of St. Mary's Road, 427 feet south of centerline of Tred Avon Road 15th Election District – 6th Councilmanic District

Legal Owner: Karen Weeks

Variance to permit a side yard setback of 12 feet and a sum of side yards of 22 feet in lieu of the required 15 feet and 25 respectively, to permit a lot width of 50 feet in lieu of the required 70 feet, and to approve an undersized lot.

Hearing: Wednesday, November 17, 2004 at 10:00 am, Rm. 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Karen Weeks, 500 Vogts Lane, Baltimore 21221

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



TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 2, 2004 Issue - Jeffersonian

Please forward billing to:

Buck Jones 500 Vogts Lane Baltimore, MD 21221

410-574-9337

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: 05-132-A

217 St. Mary's Road

S/side of St. Mary's Road, 427 feet south of centerline of Tred Avon Road

15th Election District – 6th Councilmanic District

Legal Owner: Karen Weeks

Variance to permit a side yard setback of 12 feet and a sum of side yards of 22 feet in lieu of the required 15 feet and 25 respectively, to permit a lot width of 50 feet in lieu of the required 70 feet, and to approve an undersized lot.

Hearing: Wednesday, November 17, 2004 at 10:00 am, Rm. 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

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

September 20, 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: 05-132-A

217 St. Mary's Road

S/side of St. Mary's Road, 427 feet south of centerline of Tred Avon Road 15th Election District – 6th Councilmanic District

Legal Owner: Karen Weeks

Variance to permit a side yard setback of 12 feet and a sum of side yards of 22 feet in lieu of the required 15 feet and 25 respectively, to permit a lot width of 50 feet in lieu of the required 70 feet, and to approve an undersized lot.

Hearing: Wednesday, October 27, 2004, at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Karen Weeks, 500 Vogts Lane, Baltimore 21221 Buck Jones, 500 Vogts Lane, Baltimore 21221

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.

TO:

PATUXENT PUBLISHING COMPANY

Thursday, October 7, 2004 Issue - Jeffersonian

Please forward billing to:

Buck Jones 500 Vogts Lane Baltimore, MD 21221

410-574-9337

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: 05-132-A

217 St. Mary's Road

S/side of St. Mary's Road, 427 feet south of centerline of Tred Avon Road

15th Election District – 6th Councilmanic District

Legal Owner: Karen Weeks

Variance to permit a side yard setback of 12 feet and a sum of side yards of 22 feet in lieu of the required 15 feet and 25 respectively, to permit a lot width of 50 feet in lieu of the required 70 feet, and to approve an undersized lot.

Hearing: Wednesday, October 27, 2004, at 10:00 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 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 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: 05 - 132- A	
Petitioner: <u>HAREN WEEHS</u>	
Address or Location: 2/7 ST MANY'S RP.	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: BUCH JONES	
Address:500 V0075 LAWE	
BAUT. MD. 21221	
4	

Revised 2/20/98 - SCJ

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

November 10, 2004

Karen Weeks 500 Vogts Lane Baltimore, Maryland 21221

Dear Ms. Weeks:

RE: Case Number: 05-132-A, 221 St. Marys Road

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel Buck Jones 500 Vogts Lane Baltimore 21221



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

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

September 21, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 20, 2004

Item No.:

125, 127, 130, (133-137)

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



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

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

Maryland Department of Transportation

Date:

RE:

9.17.04

Baltimore County

Item No. 132

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

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

1. 1. Greet

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 500

DATE:

October 26, 2004

OCT 2 7 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Item #

05-132

Address

. 217 St. Mary's Rd.

221

Zoning Advisory Committee Meeting of September 20, 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).

Z 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:

The proposed development must comply with the Buffer Management Area regulations for the CBCA.

Reviewer:

Martha Mickey, Sue Farinetti

Date:

October 26, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

RDER RECEVED FOR FILLING

11/2/8/27 11/2/8/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: September 30, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

OCT -1 2004

ZONING COMMISSIONER

BJECT: Zoning Advisory Petition(s): Case(s) 5-132

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 Chiefe

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 4, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 27, 2004

Item No. 132

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

Show a 40-foot right-of-way for St. Mary's Road. Setbacks shall be shown off of future rights-of-way.

RWB:CEN:jrb

cc: File

ZAC-09-27-2004-ITEM NO 132-10042004

500 Vogts Lane,

RECOMMENDATION FORM

Beltimore, Md 21221



Date

Permit or Case No. 05 132 - 13 etor, Office of Planning & Community Conservation Mariton Calley Long County Courts Building, Room 406 401 Bosley Avenue

Towson, MD 21204

FROM: Arnold Jablon, Director

Department of Permits & Development Management

Undersized Lots RE:

Residential Processing Fee Paid (\$50.00) Accepted by

410-5749337

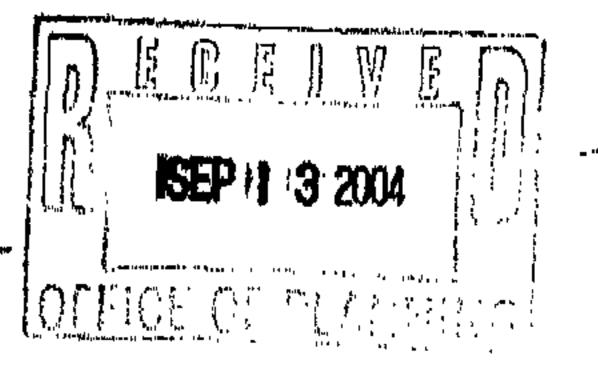
Pursuant to Section 304.2 (Baltimora County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Buck Jones

Print Name of Applicant		Address			Telephone Nu	White
Lot Address 2-1-7 St. Mary !.e	Road	Election District1	5_Coundimanic Distri	ct 6 Square	Feet B , 47	<u>ל ס</u>
Lot Location: NES Wiside/corner of St. Ma	ry's Road	407	feet from N E S W co	mer of Tres	AVON F	
Land Owner: Karen Weeks	, 	- ha h	Tax Account Numbe	151847	11050	-
Adoress: 500 Vogts Lane	Balto.,	Md 2122		44 O 65	•	
CHECKLIST OF MATERIALS (to be submitted for	design review by	the Office of Planning	and Community Conse	rvation)	 	
TO BE FILLED IN BY ZONING REVIEW, DEPA	RTMENT OF PER	MITS AND DEVELO	PROVIDED?	YO T	A Sag	
2. Permit Application		ζ _κ			7 7	
3. Site Plan Propeny (3 copies)						N XX
Topo Map (3-sepies): evallable in Augin 200, County ©	the Bullding plans	TRISO) Site Classiy)	<u>N/4</u>	.	3 5 7 3	
Building Elevation Drawings					E 8	동동
5. Photographs (please label all photos clearly) Adjoining Buildings					1.297	
Surrounding Neighborhood		-		- 4		
Current Zoning Classification: DR	5.5			*	3te 2,17.5	7
TO (BE FILLED IN BY	THE OFFICE OF	LANNING ONLY		N N N N N N N N N N N N N N N N N N N	1 20
ECOMMENDATIONS / COMMENTS:				•	夏の量	* ×
Approval Disapproval	Approval conditioned	on required modification	ns of the application to confo	rm with the foll	8 2 3	Phone #

for the Director. Office of Planning and Commenty Conservation



Reviseo 2/25/99

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

RE: PETITION FOR VARIANCE *

217 St. Mary's Road; S/side St. Mary's Road,

427' S c/line Tred Avon Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Karen Weeks *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-132-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.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

Per.....

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, Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

MASLAN, MASLAN AND ROTHWELL, P.A.

7508 EASTERN AVENUE

BALTIMORE, MARYLAND 21224

GARY R. MASLAN

HALPH K. HOTHWELL, JR.

(410) 282-2700 FAX: (410) 282-3336

M. MICHAEL MASLAN (1911 - 1996)

November 10, 2004

Timothy Kotroco, Director
Department of Permits and Development Management
Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 05-132-A

221 St. Mary's Road

Legal Owner: Karen Weeks

Hearing Date: November 17, 2004 at 10:00 a.m.

Dear Mr. Kotrocco:

Please enter my appearance on behalf of Karen Weeks in the above captioned matter. Thank you for your anticipated cooperation.

Very truly yours?

Ralph K. Rothwell, Jr.

RKR,JR:spr

cc: Peter Zimmerman, Peoples Counsel

Karen Weeks

RECEIVED

NOV 12 2004
04-377
DEST. OF PERMITS DAY
DEVELOPMENT WANKER WIND

PLEASE PRINT CLEARLY

CASE NUMBER D5- 132 A
CASE NUMBER
DATE

CITIZEN'S SIGN-IN SHEET

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NAME	Michael Farallank	and Martin	agin 1/2 1 west	"Thellmas scinbad	Jolly Farabough	@ Ren Swert							

PLEASE PRINT CLEARLY

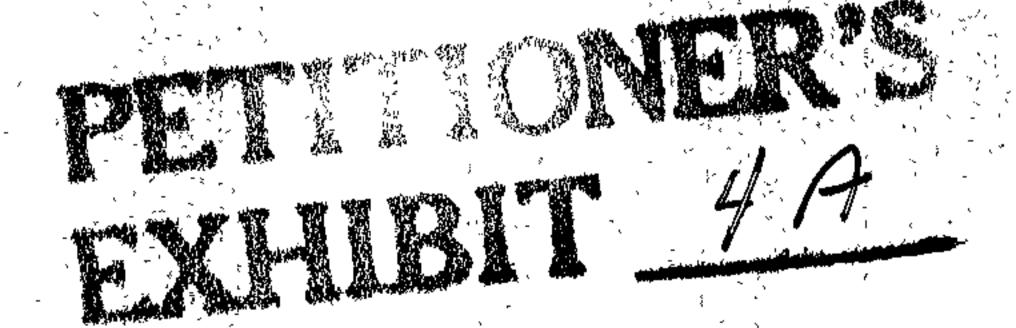
CASE NUMBER

PETITIONER'S SIGN-IN SHEET

E- MAIL	12 12 14 DV (MOC. C.S.	JESJECH HILEWIG. Com	BUCKY 30 19542 10.6.								
CITY, STATE, ZIP	1250 M. M. M. 1200	3 6	but no sizzi								
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NAME 1	Kalim Welks	VEDED SUEC VA	BUCH JONRS								



STANDING ON ST. MARYS ROAD LOOKING SOUTH-EAST AT PROPOSED SITE.





STANDING ON PROPOSED SITE PROPERTY LOOKING SOUTHERLY AT NEIGHBORS'S PROPERTY.

EXAMINA 4B



STANDING NEXT TO ST. MARY'S ROAD LOOKING NORTH EAST.

ELLI ONERS



STANDING ON PROPOSED SITE LOOKING EAST AT NEIGHBORS PROPERTY.

ATO: 244	Director, Office	of Planning & Cd	inity Conservatio	n	P	or Case No.	
	County Courts	ey Long Building, Room 4		• -	,	-	1
	401 Bosley Ave Towson, MD 21		•	•		Residential Processing Fee Paid (\$50.00)	; ! !
FROM:	Arnold Jablon, Department of I		pment Management			Accepted by	- >
RE.	Undersized Lot	S		i -	/		3 • 1
Pursuant the Office	to Section 304.2 (of Planning and C	Ballimore County Zo Community Conserv	oning Regulations) effectation prior to this office's	live June 25, 1992 approval of a dwe	this office is requiling permit.	uesting recommendations and comme	nis Iroi
MINIMU	M APPLICANT S	SUPPLIED INFOF	RMATION:				ı
	Buck Jo		Vogts Lane.	Baltimor Address	e, MD 212	21 4105749337 Telephone Num	Dér _
	Lot Address 221	ST. Mary	s'Road	_Election District	15 Councilman	ic District 6 Square Feet 8, 470	· · · · · ·
Loi Loca	tion: NESW/sid	de/corner of ST.	Marys Road (street)		feet from N E	S W corner of <u>rred Avon Rd</u>	
Land Ow	ner: <u>Karen W</u>	leeks		······································	Tax Account	Number 1 5 1 8 4 7 1 0 5 0	
Address.	500 Vog	ts Lane	Balto, MD	21221	Telephone N	lumber (410) <u>574-9337</u>	
CHECKLI	ST OF MATERIAL	S. (to be submitted	for design review by the	Office of Plannin	g and Community	Conservation)	
TOBE	FILLED IN BY ZO	NING REVIEW, DE	PARTMENT OF PERMI	TS AND DEVELO	PMENT MANAG	EMENT ONLYI	
					PROV <i>YES</i>	IDED?	,
1. This Re	commendation F	form (3 copies)					i
2. Permit	Application			, ,*	* • • • • • • • • • • • • • • • • • • •		
3 Site Pla Proper	ny (3 copiës)			•	****		
Торо М	lap (2 copies), availab	ble in Room 206, Coun	ty Office Building • (please f	abel site clearly)			'
4 Building	g Elevation Drawi	ings			-		i
	raphs (pléase lábe g Buildings	el àll photos clearl	у)				-
	ing Neighborhood						
5 Current	Zoning Classifica	ation:, <u>DI</u>	R . 3 . 5				•
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		,	O DE PILLED NY DI	-	resiminto onen		:
RECOMMEN	IDATIONS / COMME	NTS:	•				>
^^	pproval	Disapproval	Approval conditioned or	required modificatio	ns of the application	to conform with the following recommendation	ons
		, , , , , , , , , , , , , , , , , , ,					
		-	-	-			
						_ 444	-
			•		-		,
igned by		of Planning and Comm				Date:	

Revised 2/25/99

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 3042

EXHIBIT 5

Property Tax No. 15-18-471050 Property Address: 217 St. Marys Road

Baltimore, MD 21221

NO CONSIDERATION/NO TITLE EXAMINATION

THIS DEED, made this 27 day of _______, 2004, by and between George F. Rohrig and Betty S. Rohrig, his wife, of the State of Maryland, parties of the first part, and Karen Lynn Weeks, party of the second part.

WITNESSETH, that in consideration of their mutual love and affection, the receipt of which is hereby acknowledged, the said parties of the first part doth grant and convey to the said party of the second part, her personal representatives and assigns, in fee simple, all that parcel of ground situate in the State of Maryland, County of Baltimore and described as follows, that is to say:

BEING known as Lot No. 30 as shown on the Plat of the Property of Middleborough Land Corporation of Baltimore County which Plat is duly filed among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, folio 191.

BEING the same lot of ground which by deed dated October 20, 1982, and recorded among the Land Records of Baltimore County in Liber No. 6448, folio 217, was granted and conveyed by Irene Rohrig, to George F. Rohrig and Betty S. Rohrig, the grantor(s) herein.

TOGETHER with the building thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, her personal representatives and assigns, in fee simple.

AND the said parties of the first part hereby convenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Total payment equals Zero.

EXHIBIT 6



-' ; '

-

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-

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation Real Property Data Search

Go Back View Map New Search **Ground Rent**

Account Identifier:

District - 15 Account Number - 1518471080

Owner Information

Owner Name:

FARABAUGH MICHAEL, 2ND

FARABAUGH HOLLY JOY

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

217 SAINT MARYS RD

BALTIMORE MD 21221-1540

Deed Reference:

1) /19103/ 562

2) /19103/ 539

Location & Structure Information

Premises Address

217 ST MARYS RD

Legal Description

217 ST MARYS RD

Map Grid Parcel 373

Sub District

Subdivision

Section

MIDDLEBOROUGH Block Lot Group

31

Plat No: Plat Ref:

Town Special Tax Areas

Ad Valorem Tax Class

Primary Structure Built 1959

Enclosed Area 2,041 SF

Property Land Area 8,150.00 SF

County Use 04

4/ 191

Stories

Basement YES

Type

Exterior

STANDARD UNIT

SIDING

Value Information

	B ase Value	Value As Of	Phase-in Assessments	
			As Of	As Of
		01/01/2003	07/01/2003	07/01/2004
Land:	89,500	119,500	,,	
Improvements:	107,780	118,170	-	
Total:	197,280	237,670	210,743	224,206
Preferential Land:	O	0	0	0

Transfer Information

Seller: WEEKS DONALD M IMPROVED ARMS-LENGTH Type: Seller:

ROHRIG GEORGE F

IMPROVED ARMS-LENGTH Type: Seller:

Date: Deed1:

Date:

Deed1:

11/03/2003 /19103/ 562 Price: Deed2:

Special Tax Recapture:

\$338,200 /19103/ 539

\$68,000

Date: 06/26/1987 Deed1: / 7587/ 388

Price: Deed2:

Price: Deed2:

Exemption Information

Partial Exempt Assessments County State Municipal

07/01/2003

07/01/2004

Tax Exempt: Exempt Class:

Type:

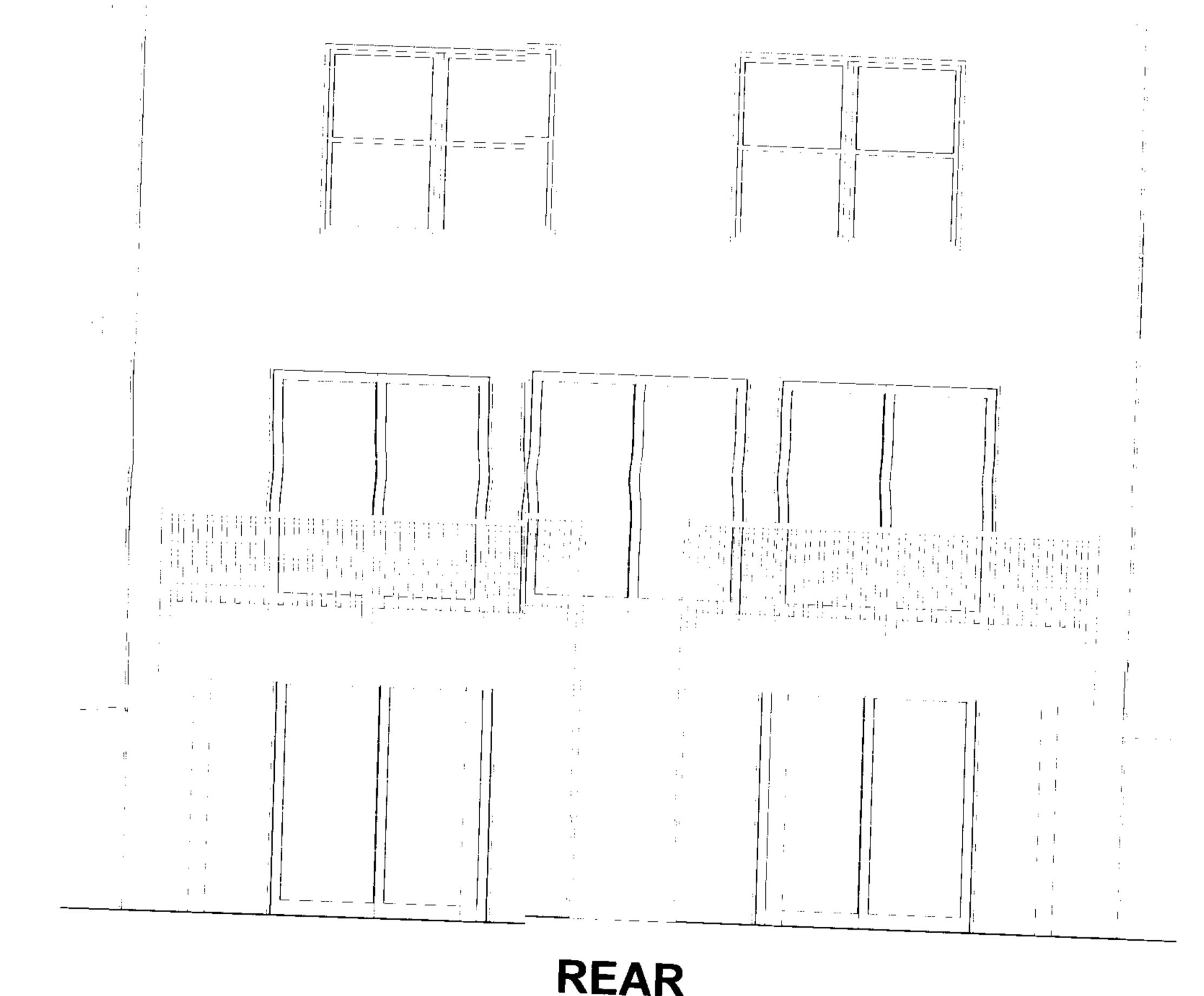
NO

4/30/2004

http://sdatcert3.resiusa.org/rp_rewrite/results.asp?streetNumber=2178streetNa

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FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK ROAD 410-574-9337

LEFT SIDE

· . __...

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

the first of the control of the cont

SCALE 1/4" = 1'

DATE 09-28-04

WEEKS RESIDENCE

ELEVATIONS

DRAWN BY
SKIP STORM

PAGE # 5