

IN RE: PETITION FOR VARIANCE
W/S of York Road, 510 ft. S
centerline of Freeland Road
7th Election District
3rd Councilmanic District
(21606 York Road)

James K. Dyer & Melinda S. Moore-Dyer
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-171-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by James K. Dyer and Melinda S. Moore-Dyer, the legal owners of the subject property. The Petitioners are requesting variance relief for property they own at 21606 York Road in the Maryland Line area of Baltimore County. The variance is requested from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an enclosed addition with a front yard setback of 0 ft. and 28 ft. from the centerline of the road in lieu of the required 50 ft. and 75 ft. respectively.

The property was posted with Notice of Hearing on November 4, 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 November 4, 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

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11/29/04
Ray

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

Zoning Advisory Committee Comments

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

Interested Persons

Appearing at the hearing on behalf of the variance request was James Dyer, Petitioner. No protestants or interested citizens appeared at the hearing in opposition to the request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 04-8015) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that Petitioners are enclosing a front porch without a permit.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioners cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioners as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits

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Ray

and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance, contains 19,776 sq. ft. and is zoned R.C. 5. The subject property is improved by an existing dwelling which the Petitioner proffered was built on or about 1889 when the road (York Road) in front of the building was a single lane country road. The property is located in a rural area near the Pennsylvania line. The home has an existing front porch that the Petitioner would like to enclose. This would give him indoor access by the hallway thus created to the three front doors on the front of his home which lead to the interior of the home. The Petitioner presented photographs of his front porch, which he indicated showed that his front porch is substantially off York Road. See Petitioners' Exhibits 2A and 2B. However, as noted at the hearing, the plan to accompany shows zero feet from the right-of-way to his front porch. He was not aware of the right-of-way but rather noted the paved portion of the roadway. Other photographs presented at the hearing showed that many of the older buildings along this portion of York Road are either on or in the right-of-way. The fact that the existing porch is enclosed will not create danger to the safety of the residents and motorists any more severe than that presented by the existing porch.

The Petitioner also presented a petition signed by 90% of the residents in the area, which supports his variance request.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The house and presumably the front porch were built much before the State acquired the full 50 foot right of way for York Road.

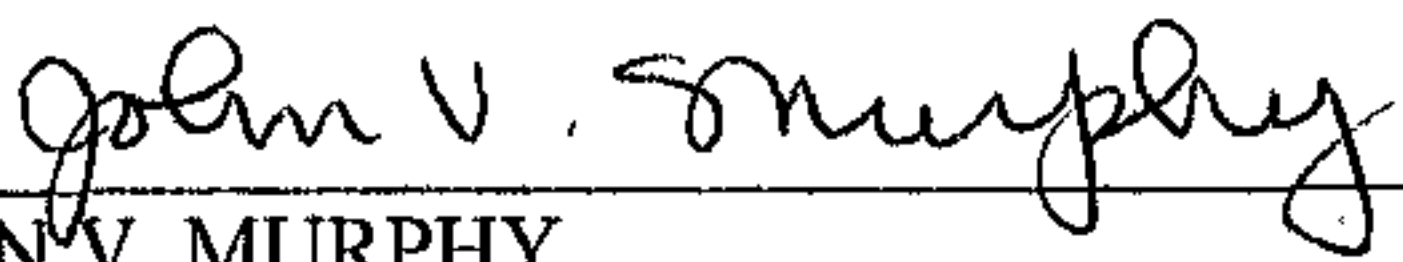
ORDER RECEIVED FOR PLANNING
11/29/04
Ray

Consequently I find that this lot is impacted more severely than lots in newer subdivision which are laid out in accord with the new regulations. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The State took all the property up to the Petitioner's front porch when it improved York Road. There is nothing that the Petitioner can do about the situation. Furthermore, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The Petitioner presented a document that indicated he enjoyed support from this project among 90% of the area residents. Undoubtedly, this was caused to some extent by the fact that their homes are also directly on York Road.

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 Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 29 day of November, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an enclosed addition with a front yard setback of 0 ft. and 28 ft. from the centerline of the road in lieu of the required 50 ft. and 75 ft. respectively, be and is hereby GRANTED.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 11/29/04
by 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 29, 2004

Mr. & Mrs. James K. Dyer
21606 York Road
Maryland Line, Maryland 21105

Re: Petition for Variance
Case No. 05-171-A
Property: 21606 York Road

Dear Mr. & Mrs. Dyer:

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

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

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 21606 York Rd
which is presently zoned RC5

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) 1A04.3.B.2 BCZR

To permit an enclosed addition with a front yard setback of 0' and 28' from the centerline of the road in lieu of the required 50' and 75', respectively.

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. 05-171-A

Legal Owner(s):

Mr. James K. Dyer
Name - Type or Print

James K. Dyer
Signature

Mrs. Melinda S. Moore-Dyer
Name - Type or Print

Melinda S. Moore-Dyer
Signature

21606 York Road (410) 357-5162
Address Telephone No.

Maryland Line, MD. 21105
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JP Date 10/6/04

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 21606 YORK RD.
(address)

Beginning at a point on the WEST side of
(north, south, east or west)
YORK RD. which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of 510' SOUTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street FREELAND RD
(name of street)
which is 50' wide. *Being Lot # _____
(number of feet of right-of-way width)
Block _____, Section # _____ in the subdivision of _____
(name of subdivision)
as recorded in Baltimore County Plat Book # _____, Folio # _____,
containing 19,776. Also known as 21606 YORK RD
(square feet or acres) (property address)
and located in the 7TH Election District, 3rd Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

171

J

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: #05-171-A

21806 York Road

W/side of York Road at the distance of 510 ft. s/of centerline of Freeland Road

7th Election District — 3rd Councilmanic District

Legal Owner(s): James K. and Melinda S. Moore-Dyer

Variance: to permit an enclosed addition with a front yard setback of 0 feet and 28 feet from the centerline of the road in lieu of the required 60 feet and 75 feet respectively.

Hearing: Friday, November 19, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

WILLIAM WISEMAN

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.

11/008 Nov. 4

28326

CERTIFICATE OF PUBLICATION

11/4/, 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 11/4/, 2004.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 40312

DATE 10-6-04 ACCOUNT 001-076-6150

AMOUNT \$ 65.00

RECEIVED FROM James Dyer

FOR 21606 York Rd. Item # 171
VARIANCE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

10/06/2004 10/06/2004
RES W006 WALKIN
RECEIPT # 29992
Dept. 5 520 2001
CR NO. 140312
Recpt for
\$65.00
Baltimore Co.

CASHIER

CERTIFICATE OF POSTING

RE: Case No. 05-171-A

Petitioner/Developer: JAMES K.

+ MELINDA S. MOORE-DYER

Date of Hearing/Closing: 11/19/04

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:

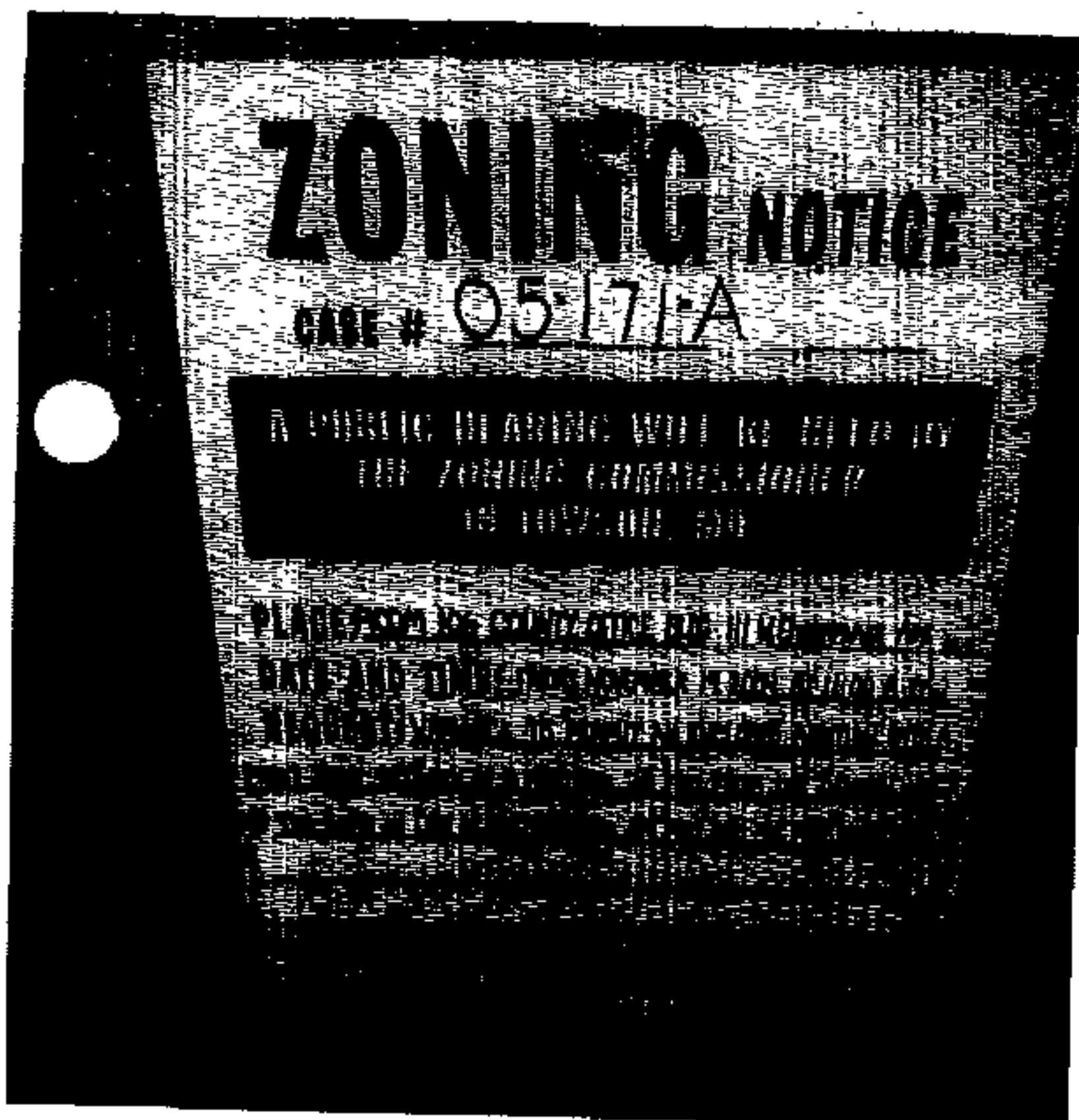
21606 YORK RD

The sign(s) were posted on

11/4/04

(Month, Day, Year)

Sincerely,



Robert Black 11/6/04
(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)

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 4, 2004 Issue - Jeffersonian

Please forward billing to:
James K. Dyer
21606 York Road
Freeland, MD 21053

410-357-5162

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: 05-171-A

21606 York Road

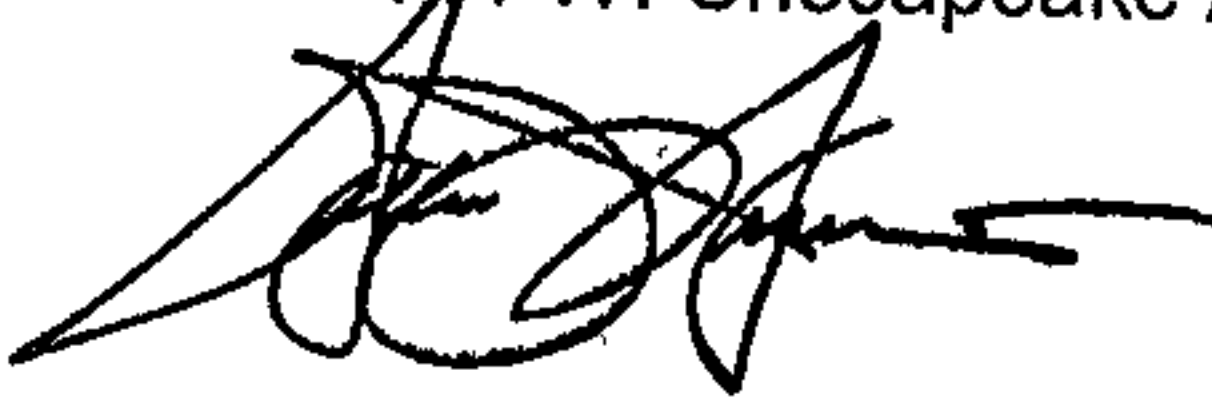
W/side of York Road at the distance of 510 ft. s/of centerline of Freeland Road

7th Election District – 3rd Councilmanic District

Legal Owners: James K. and Melinda S. Moore-Dyer

Variance to permit an enclosed addition with a front yard setback of 0 feet and 28 feet from the centerline of the road in lieu of the required 50 feet and 75 feet respectively.

Hearing: Friday, November 19, 2004 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake 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*

October 18, 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: 05-171-A

21606 York Road

W/side of York Road at the distance of 510 ft. s/of centerline of Freeland Road

7th Election District – 3rd Councilmanic District

Legal Owners: James K. and Melinda S. Moore-Dyer

Variance to permit an enclosed addition with a front yard setback of 0 feet and 28 feet from the centerline of the road in lieu of the required 50 feet and 75 feet respectively.

Hearing: Friday, November 19, 2004 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: James & Melinda Dyer, 21606 York Road, Maryland Line, MD 21105

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 4, 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.**

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

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 05-171-A

Petitioner: James K Dyer

Address or Location: 21606 YORK Rd Freeeland md 21053

PLEASE FORWARD ADVERTISING BILL TO

Name: James K Dyer

Address 21606 YORK Rd Freeeland md 21053

Telephone Number: 410-357-5162

**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

Mr. James K. Dyer
Mrs. Melinda S. Moore-Dyer
21606 York Road
Maryland Line, Maryland 21105

Dear Mr. and Mrs. Dyer:

RE: Case Number:05-171-A, 21606 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 6, 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



Fire Department

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



Baltimore County

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

October 19, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 18, 2004

Item No.: 170, 171, 173, 175, 176, 178, 180-182

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.

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 3, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For October 25, 2004
Item Nos. 170, 171, 173, 175, 176,
178, 179, 180, 181, and 182

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr *JDO*
DATE: November 16, 2004
SUBJECT: Zoning Items # See List Below

RECEIVED

NOV 16 2004

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 18, 2004.

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

05-171
~~05~~-173
~~05~~-176
~~05~~-178
~~05~~-179
~~05~~-180
~~05~~-181
~~05~~-182

Reviewers: Sue Farinetti, Dave Lykens

gm 11/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 27, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-171**

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:

Mark A. Cunningham

Division Chief:

Lynne J. Funder

RECEIVED

MAC/LL

NOV 3 2004

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County
Item No. 171 JRF

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, Chief
Engineering Access Permits Division

RE: PETITION FOR VARIANCE * BEFORE THE
21606 York Road; W/side of York Road, * ZONING COMMISSIONER
510' S c/line of Freeland Road *
7th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): James Dyer & *
Melinda Moore-Dyer *
Petitioner(s) * BALTIMORE COUNTY
* 05-171-A

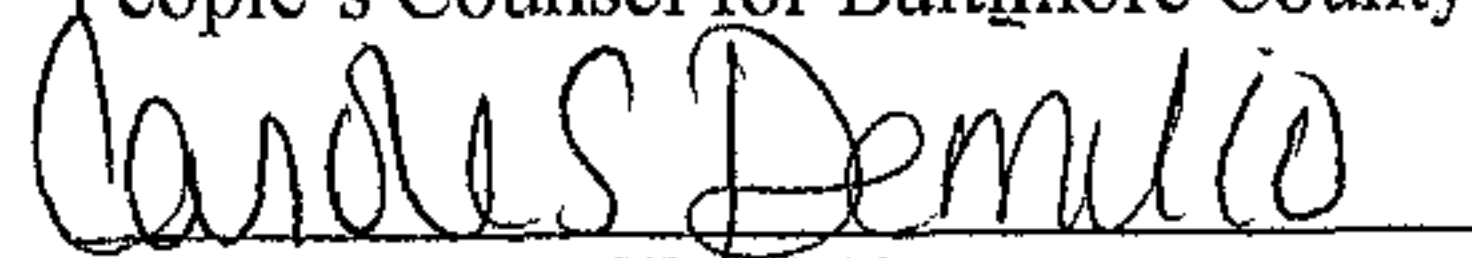
* * * * *

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



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

OCT 22 2004

CERTIFICATE OF SERVICE

Per 

I HEREBY CERTIFY that on this 22nd day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to, James & Melinda Dyer, 21606 York Road, Maryland Line, MD 21105, Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 25, 2004

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 171
Legal Owner/Petitioner: Dyer, James & Melinda
Contract Purchaser: N/A
Property Address: 21606 York Rd
Location Description: w/side of York Rd. at the distance of 510'
S/centerline of Freeland Rd.

VIIOLATION INFORMATION: Case No. 04-8015
Defendants: Dyer, James & Melinda

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|--------------------------|-----|---|
| X | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☐ | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/tk
C: Code Enforcement Officer

Case Entry/Update

Format : CASREC

Mode : CHANGE

File : PDLV0001

Dt Rec: 8312004 Intake: JMA Act: _____ Case #: 04-8015

Insp: KIDD, T Insp Grp: ENF Insp Area: 17 Tax Acct: _____

Address: 21606 YORK RD Apt #: _____ Zip: _____

Owner: _____

Problem Descript.: CLOSING IN FRONT PORCH (NO PERMIT)

Complainant Name (Last): JMA (First): _____

Complainant Addr: _____

Complainant City: _____ State: _____ Zip: _____

Complainant Phone (H): _____ (W): 4108873953

Date of Reinspection: 10292004 Date Closed: _____ Delete Code (P): _____

F3=Exit

F5=Refresh

F6=Select format

F9=Insert

F10=Entry

F11=Change

Entered

DE ENFORCEMENT REPORT

CB

DATE: 8/31/04 INTAKE BY: JMA CASE #: 04-8015 INSPEC: 17

COMPLAINT
LOCATION:

21606 York Rd

James D York cell # 443 340-2051 ZIP CODE: DIST: 7

COMPLAINANT
NAME:

JMA

PHONE #: (H) 3953 (W)

ADDRESS:

ZIP CODE:

PROBLEM:

Closing in Front Porch (no permit)

IS THIS A RENTAL UNIT?

YES NO

IF YES, IS THIS SECTION 8?

YES NO

OWNER/TENANT
INFORMATION:

TAX ACCOUNT #:

ZONING:

INSPECTION:

8.31. checked Address to find closing in of front porch wrote stop work to secure permit.

REINSPECTION:

8.1.04 Home owner Has called to say the received stop work and would secure permit ASAP. Recheck 9.14.04 T. Kadd.

REINSPECTION:

Oct - 6 - 9:00 Hearing Date For Application.

REINSPECTION:



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 04-8015	Property No. 0708 001070	Zoning: 7th Dist
-------------------------------------	------------------------------------	----------------------------

Name(s): _____

Address: **21606 YORK Rd**

Violation Location: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

1.B.C. Section 105.1 - Permit Required
Secure Permit To
close in Front Porch of House
Subject to 1800 fine
Please call if any questions

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: _____

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than: 9-14-04	Date Issued: 9-31-04
-----------------------------------	--------------------------------

INSPECTOR:

Tim Kidd

Case Entry/Update

Format : CASREC

Mode : CHANGE

File : PDLV0001

Notes: 04-8015 8/31/04 CHECKED ADDRESS TO FIND CLOSING IN OF FRONT PORCH. WROTE
SWO TO SECURE PERMIT. 9/1/04 H/O HAS CALLED TO SAY HE RECEIVED SWO & WOULD S
ECURE PERMIT ASAP. P/U 9/14/04 T.KIDD/NS***

9/13/04 H/O CALLED TO INFORM OF HEARING DATE OCT.6,9AM. OWNERS CELL 443-340-2051
P/U 10/7/04 T.KIDD/NS***

10/8/04 OWNER CALLED TO INFORM OF VAR.#05-171A. DATE NOT SET AS OF YET. P/U 10/2
9/04 T.KIDD/NS***

F3=Exit

F9=Insert

F5=Refresh

F10=Entry

F6=Select format

F11=Change

DATE: 10/20/2004

STANDARD ASSESSMENT INQUIRY (1)

TIME: 13:23:58

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
07 08 001070	07	2-0	04-00	H	YES		10/07/04
DYER JAMES K				DESC-1.. IMPS.454 AC			
MOORE-DYER MELINDA S				DESC-2.. 800FT S OF FREELAND RD			
21606 YORK RD				PREMISE. 21606 YORK RD			

00000-0000

MILLERSVILLE MD 21105-0000 FORMER OWNER: CORNERSTONE INVESTMENT

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	21,440	21,440		FCV	ASSESS	ASSESS
IMPV:	51,140	51,140	TOTAL..	72,580	72,580	72,580
TOTL:	72,580	72,580	PREF...	0	0	0
PREF:	0	0	CURT...	72,580	72,580	72,580
CURT:	72,580	72,580	EXEMPT.		0	0
DATE:	08/98	07/04				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 72,580 08/26/04

ASSESS: 72,580

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

11/09/04

The Following Neighbors ect., have no objections to the homeowners at 21606 York Road Maryland Line, MD. closing in the existing porch on their property to make a hallway at their private residence.

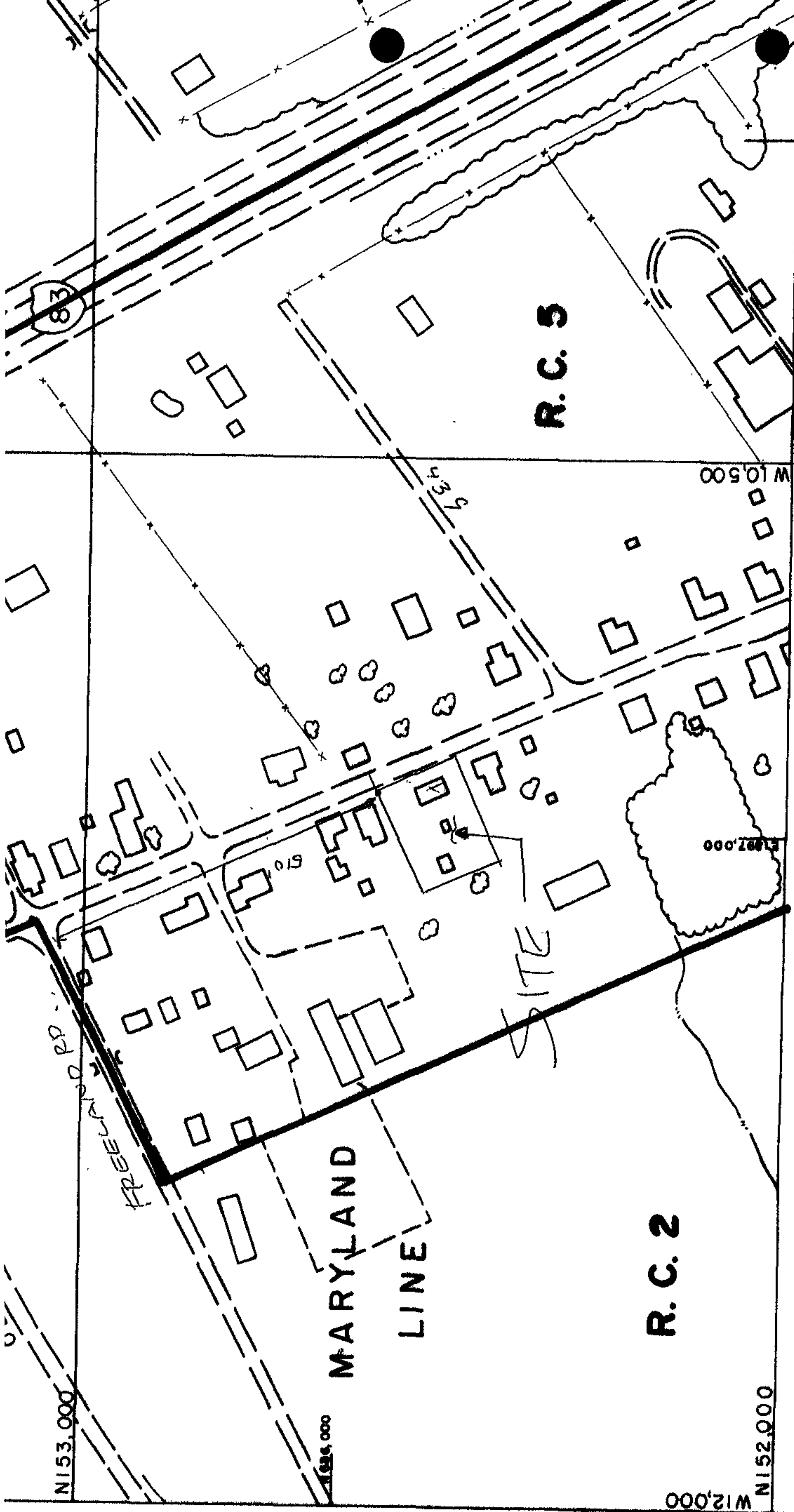
MEMO

Date	Name	Address	Phone #
11/17/04	JO ANN TROVEL	2006 21610 York Freeland MD.	21053 410-357 5369
11/17/04	Tammy Gover	21622 York Rd Freeland, MD	21053 410 357 5539
11/17/04	Dale Martin	21622 York Rd Freeland MD	21053 410 357-5539
11/17/04	Luella Goughman	21618 York Rd. Ind. Lane, Ind.	410 357-5539
11/17/04	Cardyn Sheppard	21600 York Rd, MD Line, MD	21105 357-5122
11/17/04	Jacqueline Lehr	21525 01 FL York Rd Md Line MD	21105 (117) 318 3210
11/17/04	Herbert Pearce	21520 York Rd Maryland Line	21105
11/17/04	Sandra Cole	21516 YORK RD. Freeland, Md.	21053
11/17/04	Jack Travers	21506 York Rd Freeland, MD	21053
11/17/04	Pamela J. Huber	21504 York Rd Md Line, MD	21105
11/17/04	Mary Jo Sims	21502 York Rd Md Line MD	21105
11/17/04	John A. Turner	21502 York Rd. Md. Line Md	21105
11/17/04	Carly J. [Signature]	21501 YORK RD MD LINE MD	21105
11/17/04	Daphne Wilk	21432 York Rd. MD line Md	21105
11-17-04	Line M Jones	21613 York Rd Md Line, Md	21105
11-17-04	Ann a Rami	21613 York Rd Md Line, Md	21105

CASE NAME 21606 York Rd.
CASE NUMBER 05-91-A
DATE 11/19/04

PETITIONER'S SIGN-IN SHEET

[illegible]



2000 COMPREHENSIVE ZONING MAP

ADOPTED BY

THE BALTIMORE COUNTY COUNCIL

OCTOBER 10, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

OF

Joseph B. Bortolotto
Chairman, County Council

RR - NE

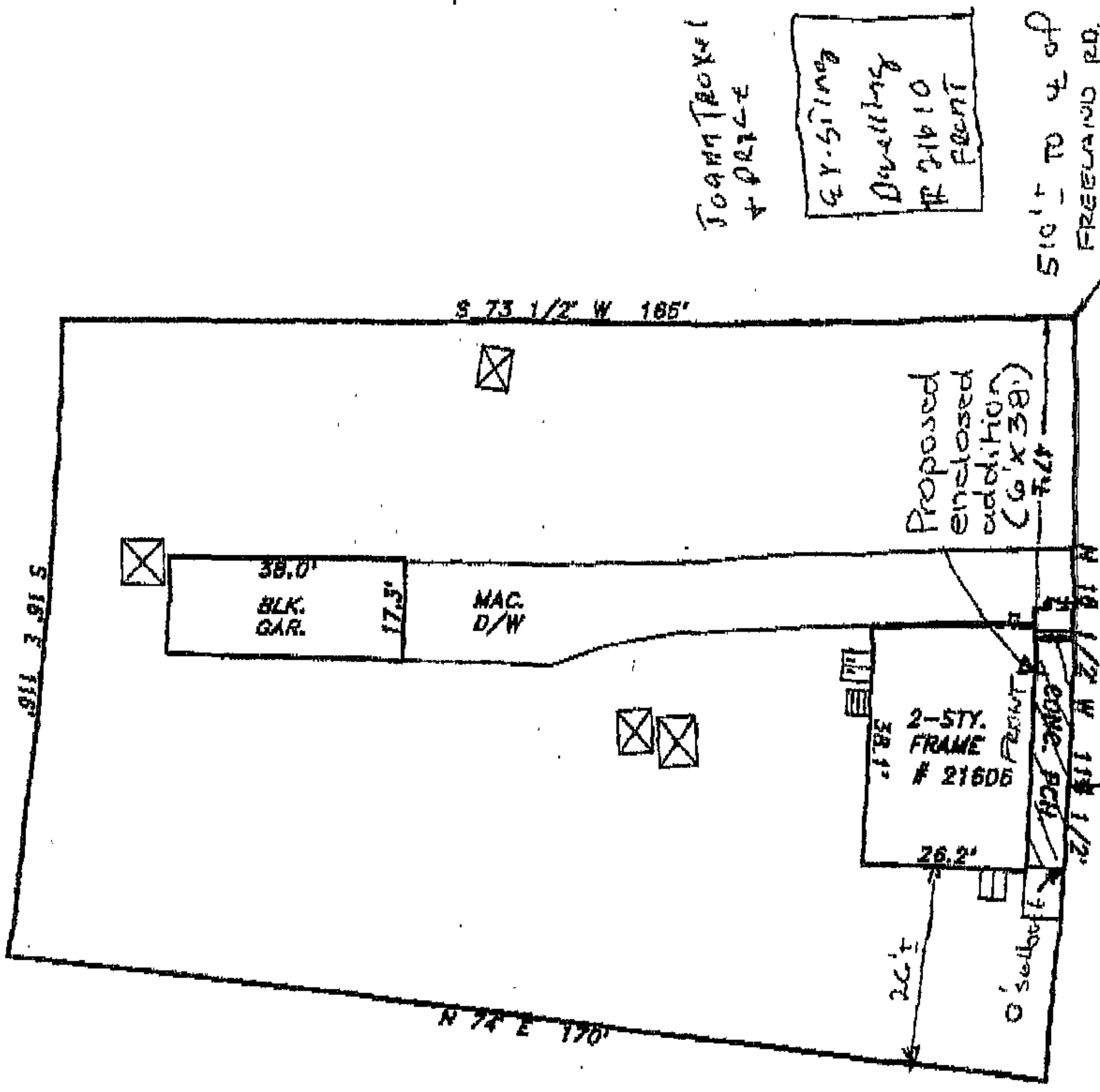
NW 39-B

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

PROPERTY ADDRESS 51606 York Rd **VARIANCE** **SPECIAL MEASUREMENT**

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME NA
PLAT BOOK # NA FOLIO # NA LOT # NA SECTION # NA
OWNER James & Mindy Dyer



Exsisting Dwelling #21604 Facpt

Exsisting Dwelling #21604 Facpt

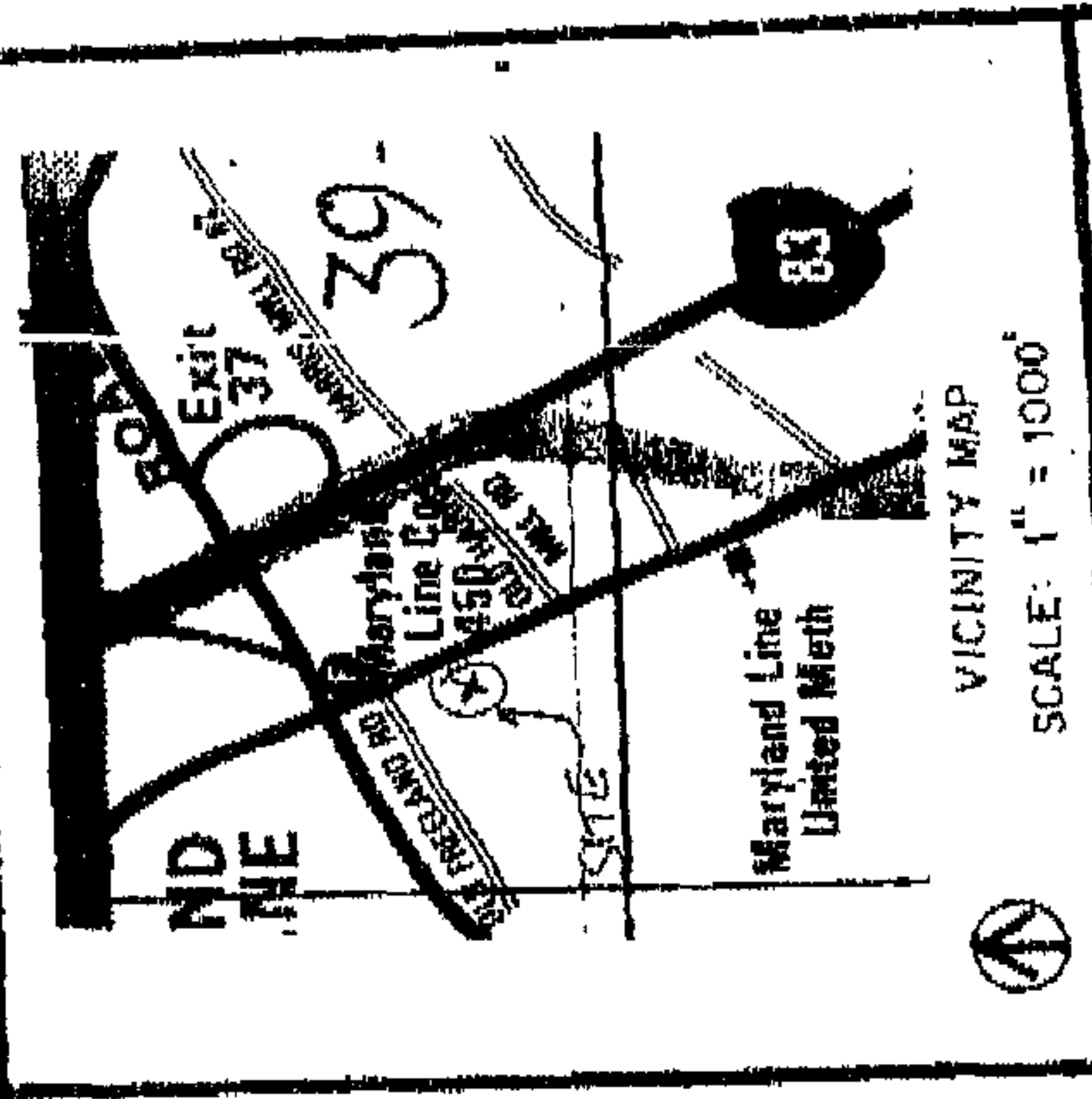
TO OWN TRACT & PARCE

Exsisting Dwelling #21610 Facpt

510' TO 4 of FREEMAN RD. P.U.B.

YORK RD. (50' R/W, 24' PAVING)

PREPARED BY 1



LOCATION INFORMATION

ELECTION DISTRICT 7TH

COUNCILMANIC DISTRICT 3TH

1" = 200' SCALE MAP # NW 39-13

ZONING RC-5

LOT SIZE	ACREAGE	SQUARE FEET
		<u>15,276</u>

SEWER	PUBLIC	PRIVATE
☐	☐	☒

WATER	PUBLIC	PRIVATE
☐	☐	☒

CHESAPEAKE BAY CRITICAL AREA	YES	NO
☐	☐	☒

100 YEAR FLOOD PLAIN	YES	NO
☐	☐	☒

HISTORIC PROPERTY / BUILDING	YES	NO
☒	☐	☐

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY 1 ITEM # 1 CASE # 05-171-A

Heathcote who also owned the Heathcote Mill (of c. 1854) not far west of the town on a separate farm. Tax ledgers show that a new house had been added in 1924. The property came down to Martin Heathcote, who also owned the defunct mill, and in 1965, the present owners, Allen B. and Blanche A. Bull, took title.

- 1957 **MICHALKE HOUSE/HOFFACKER HOUSE** - 1841-1850 - 21612 York Road, Maryland Line. This is a small, two-story, plus attic frame structure in Victorian style, much refurbished. This house is cross-gabled, with an enclosed, full-width front porch, dangerously close to York Road. The house is slightly primitive, and seems to have appeared between the tax lists of 1841 and 1852, and is probably one of the small squares on the J.C. Sidney map of 1850. The first owner was John Migkeilski (also spelled Michalcke), who in 1874 sold to Michael Krout for \$500. The lot was 98 square perches, a unit that can be consistently followed through the deeds for many decades. The second owner, William T. Day, was found in State business directories of 1878 as a carpenter and undertaker. Ida E. Tyson was the owner in the 1918 tax list.
- 1958 **IRVIN BUNGALOW** - 1922 - 21610 York Road, Maryland Line. This is an efficiently designed bungalow incorporating elements used in full-scale houses of the Colonial Revival period. The upper level is provided by a large hip-roofed dormer with twin, double-hung sash windows with large 1-over-1 window lights. The eaves overhang prominently on all sides of the house. Construction is frame, the outer covering yellow aluminum siding. There is a one-story rear wing with a shed roof. Tax ledgers prove that the bungalow was new in 1922, its first owner Charles H. Irvin. An earlier house found on this lot had depreciated to \$146 in 1918 and was apparently demolished. Later owners were William Albert Bull, and in 1951, Russell T. and Mabel S. Kearney.
- 1959 **POOLE-WHITCRAFT HOUSE/HARE HOUSE** - 1883-1896 - 21606 York Road, Maryland Line. This house is first found in the 1896 tax ledger as Mary A. Poole's, apparently built to her order, since she acquired the lot in 1883. Hannah Krout and Adam Krout inherited this place and their heirs sold in 1903 to William H. Whetcraft, whose family held it until 1962. This is a two-story, frame, vernacular style house, with three front doors, suggesting that it was a tenant house, possibly for cannery workers. The five bays are irregularly spaced. The entire structure is covered with yellow aluminum siding.
- 1960 **POOLE-GEMMILL HOUSE/FOURHAM HOUSE** - 1883-1896 - 21602 York Road, Maryland Line. This plain, two-story plus attic, duplex frame house in vernacular style was apparently built for Mrs. Mary A. Poole, who acquired some vacant lots in Maryland Line village in 1880. The house passed by inheritance to Hannah Krout, then to Adam H. Krout. The 1896 tax ledger confirms the existence of two Krout houses, both of frame. No events are associated with this house, which passed successively to Wilfred H. Whetcraft, Harry Gemmill, Grason F. Gemmill,

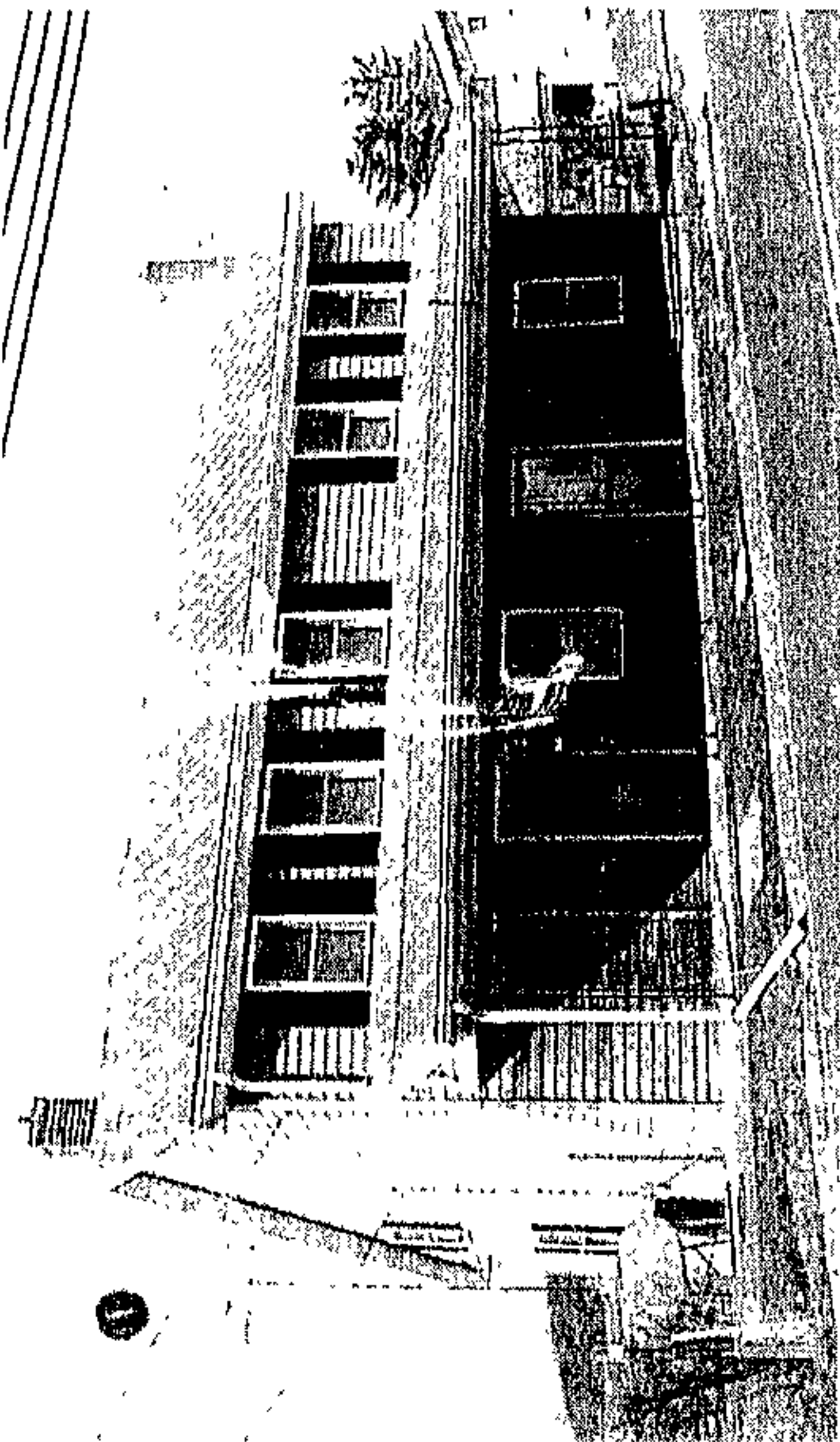
Subject

Green House

Ref # 3

21606 York Rd., Maryland Line, Maryland 21155

21606 York Rd.



Address: 21606 York Rd.

Maryland Line, MD 21105

Features:

- Just Renovated
- 3/4 Bedrooms
- One Bath
- New Gas Heat
- New Central Air
- New Kitchen
- New Carpet/Flooring
- FINANCING AVAILABLE
- 2 Car Garage
- Detached Shop & Out Buildings
- Just Painted
- Some Wood Floors
- Great Yard
- Convenient to Everything
- Only \$139,900

Directions: 83 N to Exit 36 (439 Old York Rd.), turn right onto Old York Rd. Go approx. 100 yds. To right onto York Rd. Go 1 mile to house on left.

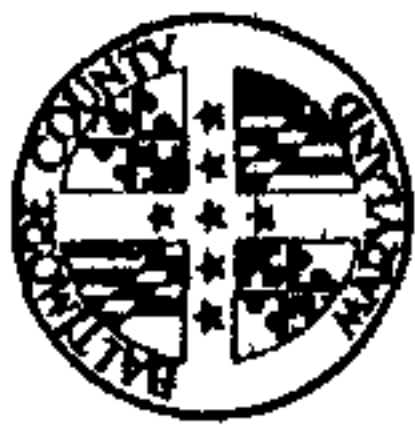
Family	Living Room	Foyer	Dining Room	D/Area	Kitchen	Bedrooms	Bathrooms	Rec/Family	Laundry	SQFT.	Misc.
Basement											Partial unfinished
1 st Floor	15 x 21	Mudroom	X	X	10 x 15	12 x 15	1			950	Front porch/Rear porch enclosed/mudroom
2 nd Floor						3				860	Storage/Walk-up Attic

Lot size:	.45 Acre	Water Conditioner:	No	Lot Rent:	N/A	Heat:	Gas
Type:	Single-Family	Roof:	Shingle/Metal	School District:	Hereford	Electric:	100 amp.
Exterior:	Siding	Floors:	Vinyl/Wood	Assessment:		Sewer/Septic:	Septic
Age/Condition	Very Good	Carpet:	Wall/Wall	C/B/T:		Garbage:	N/A
Garage/Car Port:		Fireplace:	No	County Tax:		Water/Well:	Well
Type of Heat:	New gas/central	Central Conditioning:	Central Air	School Tax:		Assoc./Condo.	None
Fuel:		TV Antenna/Cable:	Cable/Antenna	Total Taxes:	\$841	Possession:	Settlement
Hot Water/Gallons:	40 Gal./Electric	Financing:	Residential	Spec. Assessment:		New Financing:	

Items Included:	New Range, New Dishwasher
Items Reserved:	None
Disclosures:	Yes
Remarks:	For more information, call (717) 891-6631 or (410) 357-8946. Financing Available.

This information is deemed reliable but not guaranteed.

Rates & terms subject to qualification.



Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photographs
05-171-A
Exp. 2A-2D
Exp. 4A-4B

21606 York Rd.



14ft. to white line
28ft. to yellow line

28
28



House across the street and
to the left (Jason old house)



house located south of 21606 York Rd.



Directly across from
21606 York Road

26
2000



Te

21602 York Rd pictured on left ~~at~~
south of 21606

21606 York Rd - center house

21610 York Rd - pictured on right
north of 21606



11th house ^(south) up the street from
21606 York Rd on same side

29A from center line

4 A



12 house ^(south) up from 21606 York Rd.
on same side

30 ft from center line
to living space

x²