PRIDER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE

S/S Bottom Road, 950' NE of Church Lane,

S of Fork Road

(13121 Bottom Road)

11th Election District

1st Council District

William Jefferson Appel Petitioner BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 05-217-A

k * * * * * * *

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, William Jefferson Appel. The Petitioner requests a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback from the centerline of the road of 46 feet in lieu of the required 75 feet and a side yard setback of 25 feet in lieu of the required 35 feet for a proposed dwelling. 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 were William Jefferson Appel, property owner, and Nan Mester. Appearing in opposition to the request were Charlotte Pine and Carol Shaw, representatives of the Long Green Valley Community Association.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the southeast side of Bottom Road, just north of Church Lane in Hydes. The property contains a gross area of 1.44 acres, more or less, zoned R.C.2 and is improved with a dwelling, a detached garage, and a barn. In addition, there exists a wood bridge that crosses over a stream that runs through the center of the property. The Petitioner has owned and resided on the property for approximately 12 years. Testimony indicated that the existing dwelling is a small, one-bedroom structure that was built in 1939. Due to the age of the structure and its depreciating condition, the Petitioner proposes razing the building and constructing a new home in essentially

 the same location. As shown on the site plan, the original dwelling was actually located closer to the road. The Petitioner contracted with a builder to construct a 2,100 sq.ft. log cabin-style home, which was designed specifically for this property and the new foundation has been poured. Variance relief is necessary due to the site constraints associated with this property. In this regard, testimony indicated that the Petitioner met with representatives of the Department of Environmental Protection and Resource Management relative to placement of the structure and septic requirements. Due to the existence of a stream and the required forest buffer easement and septic reserve area to the rear of the property, the Petitioners were required to locate the new home towards the front portion of the site, within the required 75-foot setback from Bottom Road. In addition, due to the location of the existing well and forest buffer easement in the western (front) portion of the property, the new dwelling will be located 25-feet from the east side property line. Thus, the requested variances are necessary. In support of their request, the Petitioner submitted signed statements from their immediate neighbors on either side of the subject property indicating that they have no objections to the proposal.

As noted above, Ms. Pine and Ms. Shaw appeared in opposition to the request. They believe that the new dwelling should have been constructed utilizing the existing foundation, and that if additional room was needed, the Petitioners could have built a two-story structure. They further believe that because the property is located entirely within a conservation area, that strict compliance with the R.C.2 regulations should be required. The Protestants have no objections to the dwelling itself and agree that it is not out of character with the neighborhood; however, believe the structure should be located further back on the property.

In an attempt to address the concerns raised by the Protestants, discussion ensued relative to the possibility of relocating the septic tanks further to the rear of the property so that the home could be located further back on the property. The Petitioners were advised to contact their builder and to discuss with DEPRM the logistics of relocating the septic tanks, if possible, and to advise this Zoning Commissioner accordingly. Thus, the case was continued pending notification from the Petitioner/DEPRM on this issue.

In an effort to address the Protestants' concerns, the Petitioner submitted a revised plan to DEPRM showing the dwelling at the required 75-foot setback from the road; however, this placed the house immediately adjacent to the septic tank. As a result of further discussions with DEPRM, it was determined that the original proposal was the most practical and feasible, given the environmental and site constraints associated with this property. It was indicated that the house could not be moved further back on the lot due to the location of the existing septic tanks and easement areas. Moreover, moving the house further back on the property might place the house within the 100-year flood plain and require the installation of a new septic system in bedrock.

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. As noted above, the site constraints associated with this property necessitate the variance. It is also to be noted that the original dwelling was actually located closer to the road than the new house. In addition, the house on the adjacent property is located 27 feet from the center of Bottom Road. Thus, it appears that the location of the new house is consistent with others in the neighborhood and will not result in any detriment to the health, safety or general welfare of the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County day of February 2005 that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback from the centerline of the road of 46 feet in lieu of the required 75 feet and a side yard setback of 25 feet in lieu of the required 35 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioner shall comply with the recommendations made by DEPRM in its revised ZAC comment dated February 2, 2005, a copy of which is attached hereto and made a part hereof.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

M J. WKEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

Date Date NATIONALISMENT PLANTED FOR FILE

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

February 2, 2005

Mr. William Jefferson Appel Ms. Nan Mester 74 Roger Valley Court Baltimore, Md. 21234

RE: PETITION FOR VARIANCE
S/S Bottom Road, 950' NE of Church Lane
(13121 Bottom Road)
11th Election District – 1st Council District
William Jefferson Appel - Petitioner
Case No. 05-217-A

Dear Mr. Appel & Ms. Mester:

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.

/ Keel XX

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Carol Shaw, 7 Country Hill Court, Fork, Md. 21051 Ms. Charlotte Pine, 607 Baltimore Avenue, Towson, Md. 21204 DEPRM; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13121 BOTTOM ROAD which is presently zoned RC-Z

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) | AOI. 3.8.3; BCZR, TO PERMIT A FRONT SETBACK OF 46FT IN LIEU OF THE REQUIRED 75 FT. FROM THE

CENTERLINE OF THE ROAD AND A SIDEYARD SETBALK OF 25 FT IN LIEU OF THE REQUIRED 35 FT FOR A PROPOSED DWELLING

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

TO BE DISCUSSED AT HEARING

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.

<u>Contract I</u>	Purchaser/Lessee:		<u>Legal Owner(s):</u>
			WILLIAM JEFFERSON APPEL Name - Type or Print
Vame - Type o	er Print		Name - Type or Print
Signature			Signature Signature
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney F	For Petitioner:		13121 BOTTOM ROAD
		-	Address HYDES MD JIO82
Name - Type o	or Print		City State Zip Code
	<u> </u>		Representative to be Contacted:
ignature			Dan Mester
Company			74 Roger Valley Ct 410-661-3446
dates	,	Telephone No.	Address Telephone No. Sal40 Md 3/334 Telephone No.
ラスミ	State	Zip Code	City State Zip Code
168			OFFICE USE ONLY
Ge Vo	05-217A		ESTIMATED LENGTH OF HEARING
9,5/0		Reviewed By	UNAVAILABLE FOR HEARING Date 10.29.09

Zoning Description

13121 Bottom Road Hydes, Maryland 21082 October 29, 2004

As recorded in Liber 9254, Folio 724

Beginning on the SOUTH side of Bottom Road

South 41 degrees 30 minutes 04 seconds East – 282.50 feet.

South 44 degrees 31 minutes 12 seconds West - 149.05 feet.

North 41 degrees 48 minutes 58 seconds West – 426.24 feet.

North 49 degrees 47 minutes 00 seconds East – 151.08 feet to the place at the beginning on Bottom Road.

Containing 1.4429 acres, more or less.

Located in the 11th Election District, 01st Concilmanic District.

Conveyed to William Jefferson Appel June 5, 1992

DISTRIBUTION WHITE - CASHEN		
PINK - AGENCY YELLON	CET & PARTITION OUS RECEPT ACCOUNT	
YELLOW- CUSTOMER		

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Notice of Zoning

HEARING

The Zoning Contribusioner

of Baltimore County by authority of the Zoning Act
and Regulations of Baltifinore County will hold a
public hearing in Towson.

Maryland on the property
Identified herein as follows:
Case: #05-217-A

13121 Bottom Road.

S/east side of Bottom
Road, 1,000 feet +/- south
of Church Lane
11th Election District
3rd Councilmanic District
Legal Owner(s): William
Jefferson Appel
Variance: to permit a front
yard setback of 46 feet in
lieu of the required 75 feet
from the centerline of the
road and a side yard setback of 25 feet in lieu of the
required 35 feet for a proposed dwelling.
Hearing: Tuesday, December 14, 2004 at 9:00 a.m.
in Room 407, County
Courts Building, 401

Bosley Avenue.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the
Zoning Commissioner's Oftice at (410) 887-4386.

(2) For information concerning the File and/or
Hearing, Contact the Zoning Review Office at (410)
887-3391.

JT/11/813 No30
31358

CERTIFICATE OF PUBLICATION

12/2/, 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 1130,2004.
i
💢 The Jeffersonian
🖵 Arbutus Times
Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

•	RE: Case No.: 05-217-A
	Petitioner/Developer:
	William Jefferson Appel
	Date of Hearing/Closing: 12-14-04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Kristen Matthews	
Ladies and Gentlemen:	
Were posted conspicuously on the property local Hydes, MD 21082	ited at 13121 Bottom Road
	r 24, 2004
	Month, Day, Year)
	Sincerely, Sincerely, (Signature of Sign Poster and Date) SHANNON-BAUMasiens INC. 105 COMPETITIVE GOALS DR. ELDERSBURG, MD. 21784 410-781-4100

17:1 A.

RECEIVED

NOV 29 2004

DEAT OF HAMPING WAS ALLEST AND THE STATE OF THE STATE OF

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

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: 05-217-A

13121 Bottom Road

S/east side of Bottom Road, 1,000 feet +/- south of Church Lane

11th Election District – 3rd Councilmanic District

Legal Owner: William Jefferson Appel

<u>Variance</u> to permit a front yard setback of 46 feet in lieu of the required 75 feet from the centerline of the road and a side yard setback of 25 feet in lieu of the required 35 feet for a proposed dwelling.

Hearing: Tuesday, December 14, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: William Jefferson Appel, 13121 Bottom Road, Hydes 21082 Nan Mester, 74 Roger Valley Court, Baltimore 21234

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

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 30, 2004 Issue - Jeffersonian

Please forward billing to:

Nan Mester 74 Roger Valley Court Baltimore, MD 21234

410-661-3446

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: 05-217-A

13121 Bottom Road

S/east side of Bottom Road, 1,000 feet +/- south of Church Lane

11th Election District - 3rd Councilmanic District

Legal Owner: William Jefferson Appel

Variance to permit a front yard setback of 46 feet in lieu of the required 75 feet from the centerline of the road and a side yard setback of 25 feet in lieu of the required 35 feet for a proposed dwelling.

Hearing: Tuesday, December 14, 2004 at 9:00 a.m. in Room 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

ZONĮNG REVIEW

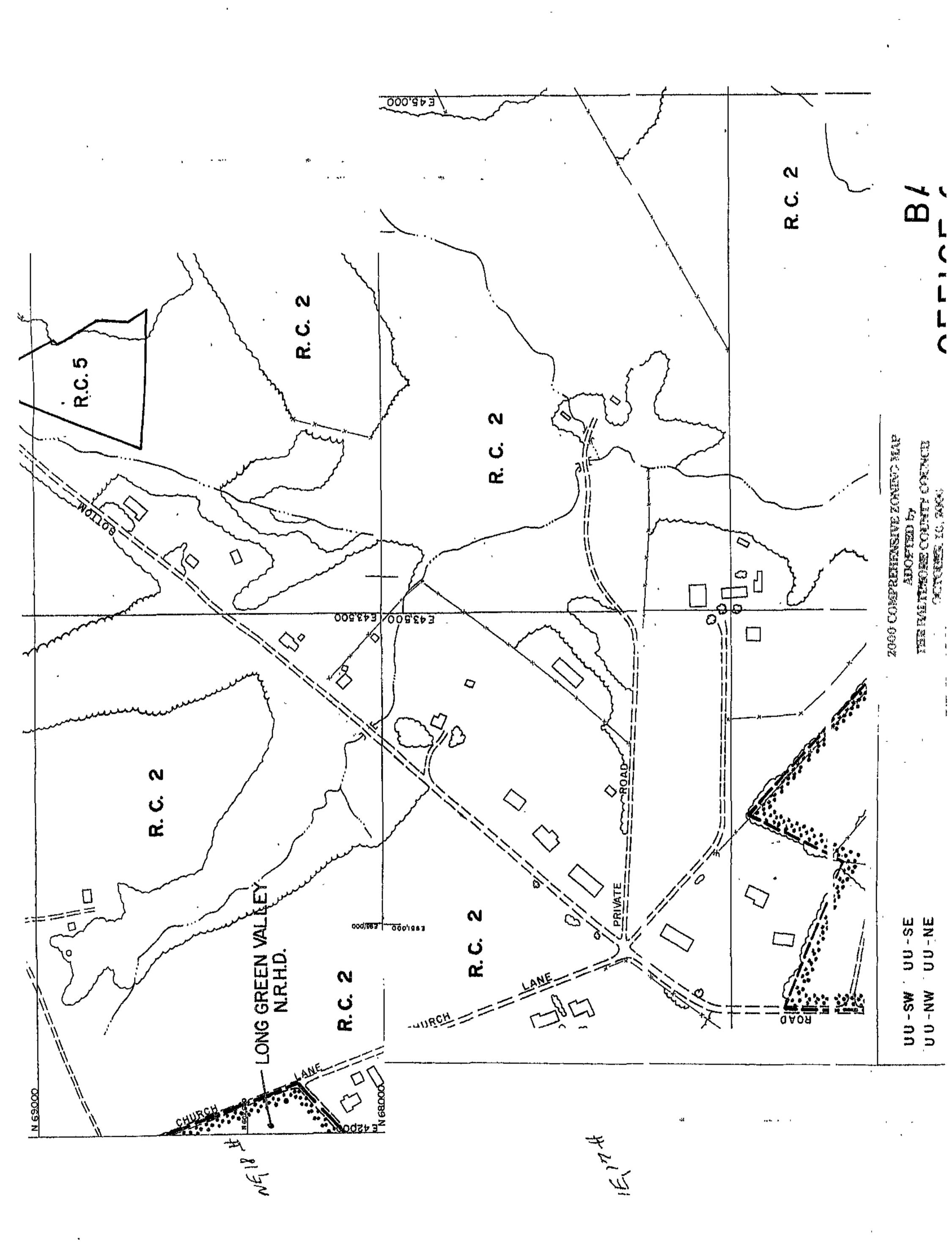
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 217
Petitioner: WILLIAM APPEL
Address or Location: 13121 Bottom Pol.
PLEASE FORWARD ADVERTISING BILL TO Name:
Address 74 ROGER VALLEY CT.
BALTO. Md. 21234
· · · · · · · · · · · · · · · · · · ·
Telephone Number: 410-66(-3446



Department of Permits of 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

December 7, 2004

William Jefferson Appel 13121 Bottom Road Hydes, Maryland 21082

Dear Mr. Appel:

RE: Case Number:05-217-A, 13121 Bottom Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 29, 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,

u. Callibal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Nan Mester 24 Rogers Valley Court Baltimore 21234



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



TO:

Tim Kotroco

FROM:

Bruce Seeley (MC

DATE:

February 2, 2005

SUBJECT:

Address

Zoning Item # 05-217 (2nd Revised) 13121 Bottom Road

RECEIVED

Zoning Advisory Committee Meeting of November 8, 2004.

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 Baltimore County Code Title 3 governing 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 Baltimore County Code Title 6. (Please contact the Environmental Review section at 410-887-3980)

Additional Comments:

The proposed sewerage force main to be jacked and bored under the stream must receive approvals from this Department in addition to approvals from State and Federal Agencies. The proposed dwelling must be located at least 30 feet from the well.

The revised house location is acceptable to this Department. However, the lot owner is hereby advised that, prior to approval of the building permit, the owner must adequately demonstrate that the building will encroach no further than 35-feet to the edge of the stream. Plans that accompany the building permits must be to scale (the plans accompanying the zoning petition are not to the correct scale). Furthermore, as a condition of granting a building permit, the applicant will be required to submit to this office an "Exhibit A" Record Plat for the purpose of recording the Forest Buffer Easement associated with the stream and a "Single Lot Declaration of Intent" pursuant to the Baltimore County Forest Conservation Regulations.

On this date, February 2, 2005, an informal meeting was held amongst Bill Wiseman (Zoning Commissioner) and Bruce Seeley (Project Manager - DEPRM) regarding Petition 05-217 and all associated comments and revisions. It was expressed that, in order to best serve the interests of all parties involved, the original house location (as shown on the original site plan that accompanied the Zoning Petition) should be used instead of the revised house location. This Department has no further comments to offer aside from those described in the Nov. 16, 2004 correspondence.

Reviewer:

Glen Shaffer, Sue Farrineti

Revised: February 2, 2005

Reviewer:

Date: December 6, 2004

John D. Oltman



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ΓO: Tim Kotroco							
FROM:	John D. Oltm	John D. Oltman, Jr 50°					
DATE:	November 16	, 2004	třan	DEC			
SUBJECT:	Zoning Item Address	# 05-217 13121 Bottom Road	20/	WING COMMIS			
Zonin	g Advisory Cor	nmittee Meeting of No	ovember 8, 2004.				
	-	nvironmental Protection ve-referenced zoning		agement has no			
	-	nvironmental Protections		agement offers			
<u>X</u>	Title 3 govern	of the property must cannot be ing the Protection of Vections 14-331 through	Water Quality, Stream	ns, Wetlands and			
<u>X</u>		of this property must of secontact the Environ		-			
	Critical Area	of this property must Regulations (Sections ne Baltimore County C	26-436 through 26-46	-			

Additional Comments:

The proposed sewerage force main to be jacked and bored under the stream must receive approvals from this Department in addition to approvals from State and Federal Agencies.

The proposed swelling must be located at least 30 feet from the well.

Reviewer:

Sue Farrineti

Date: December 6, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: November 16, 2004

NOV 1 7 2004

Zoning Advisory Petition(s): Case(s) 5-193, 5-213, and 5-2176

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.

Division Chief:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 12, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 15, 2004

Item No. 217

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

A 40-foot minimum right-of-way for Bottom Road shall be shown, and the requested variances shall be modified accordingly.

The proposed dwelling shall be outside of the limits of the 100-year flood plain.

RWB:CEN:jrb

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: // 9 . 0 4

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

RE:

Baltimore County

Item No.

217 JUN

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.

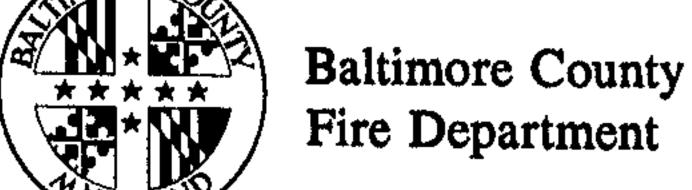
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1 tredt

Engineering Access Permits Division



Coulding, Room 111

Mail Stop #1105

111 West Chesapeake Avenue

Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: November 8, 2004

Item No.:

207-220 € 37 (2)

Pursuant to your request, the referenced plan(s) have been reviewed by Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

700 East Joppa Road

410-887-4500

November 8, 2004

Towson, Maryland 21286-5500

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

Cons Green Vully Assoc

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

cc: File

RE: PETITION FOR VARIANCE *

13121 Bottom Road; SE/side of Bottom Road,

1,000' S of Church Lane

11th Election & 3rd Councilmanic Districts

Legal Owner(s): William Jefferson Appel *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-217-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, Nan Mester, 24 Roger Valley Court, Baltimore, MD 21234, Representative for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

 $1 \wedge 1$

People's Counsel for Baltimore County

Per.

Bill 12/14

Baltimore County
Department of Environmental Protection & Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

ATTN: Rob Powell

RE: 13121 Bottom Road

Hydes, Md 21082

Zoning Variance Case #217

December 15, 2004

RECEIVED

DEC 1 6 2004

ZONING COMMISSIONER

Dear Rob:

In the time since you had approved our plans back in October with the notated & upgraded septic system, we have been in the process of applying for a zoning variance. The property is zoned RC2 and as such should have a setback of 75 feet from the center of Bottom Road. At our zoning hearing on December 14th, a Mrs. Pine objected to having the variance issued. She would like to see the house setback the required 75 feet.

The Zoning Commissioner, William Wiseman, has delayed a ruling on this variance in the hopes that we can satisfy Mrs. Pine's request or at the least come to an agreement on the location of the proposed house. Therefore, I am enclosing a copy of the site plan with the house setback 75ft noted in blue.

Please look this over and advise how we can proceed with the well and septic at this proposed 75ft setback or if we could move the house back anywhere in between the original proposal and this proposal.

Thank you in advance for your time and help in this matter.

Sincerely,

Nan Mester & Jeff Appel 74 Roger Valley Court Baltimore, MD 21234 410-633-0400 (work)

cc: Charlotte Pain

William Wiseman, III – Zoning Commissioner Glenn Shaffer – Environmental Impact Review

January 26, 2005

Baltimore County Zoning Commissioner's Office 401 Bosley Avenue Room 405 Towson, Maryland 21204



JAN 3 1 2005

Nan Mester's pay

4/410-633-6507

ZONING COMMISSIONER

ATTN:

William J. Wiseman, III - Zoning Commissioner

REF:

Zoning Variance Case #217

13121 Bottom Road - Hydes Md 21082

Dear Mr. Wiseman:

Pursuant to our conversation last week, I am requesting a decision on our zoning variance case. I have tried several times to reach Mrs. Pine but she has not returned my phone calls.

After the original hearing, Jeff and I approached the Department of Environmental Protection and Resource Management to see if they could adjust their initial approval to the required 75 foot setback. While both Rob Powell (Resource Management) and Glenn Shaffer (Environmental Impact) agreed verbally that they would work with us to make our project work, I truly believe that if we attempt to set the house back an additional 30 feet that we would then be in danger of being within the 100 year flood plain in addition to having to install a septic system in bedrock.

When we spoke, I suggested a compromise of setting the house back an additional 10 feet so that it would sit 56 feet back from the road. However, we have since measured the house next door to us at 13125 Bottom Road. It sits a mere 27 feet from the center of Bottom Road. In lieu of that, I would request that you grant our initial request for a variance at 46 feet back from the center of the road. In our eagerness to build this house, we have already done the excavation at 46 feet and while we could make the necessary adjustments, I am now hopeful that you would allow us to proceed with our original plan of constructing our new home on the blueprint of the home that had previously existed there (at 46 feet setback).

Of course, the final decision is yours and we will abide by your ruling. Thank you for working with us in making our new home a reality.

Sincerely,

Nan Mester and Jeff Appel 74 Roger Valley Court Baltimore, MD 21234 410-633-0400 (work)

443-386-2993 (cell)



Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

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

Account Identifier:

District - 11 Account Number - 2000009402

Owner Information

Owner Name:

APPEL WILLIAM JEFFERSON

Sub District

Basement

YES

Use: **Principal Residence:** RESIDENTIAL

Mailing Address:

13121 BOTTOM RD HYDES MD 21082-9737 **Deed Reference:**

1) / 9254/ 724

2)

NO

Location & Structure Information

Subdivision

888 SF

Premises Address

13121 BOTTOM RD

Stories

Grld

Map

Legal Description

1,4429 AC SES BOTTOM

950 NE CHURCH AV

Block Lot

45 21 33 Town **Special Tax Areas**

Parcel

Ad Valorem Tax Class

Primary Structure Built Enclosed Area 1939

Section

Property Land Area County Use 1,44 AC 04

Group

82

Plat No:

Plat Ref:

Type Exterior STANDARD UNIT SIDING

Value Information

Base Value Phase-in Assessments Value As Of As Of As Of 01/01/2003 07/01/2004 07/01/2005 Land: 52,200 52,200 Improvements: 890 970 Total:

Preferential Land:

53,090

53,170 Q

53,142

53,170

Transfer Information

Seller: PAULINSKI JOSEPH J,3RD Date: IMPROVED ARMS-LENGTH Type: Seller:

06/29/1992 **Deed1:** / 9254/ 724 Date:

Deed1:

\$96,500 Price: Deed2:

Price: Deed1: Deed2: Date:

Price: Deed2:

Exemption Information

Partial Exempt Assessments Class 07/01/2004 07/01/2005 County 000 State 000 Municipal 000

Tax Exempt: **Exempt Class:**

Type:

Seller:

Type:

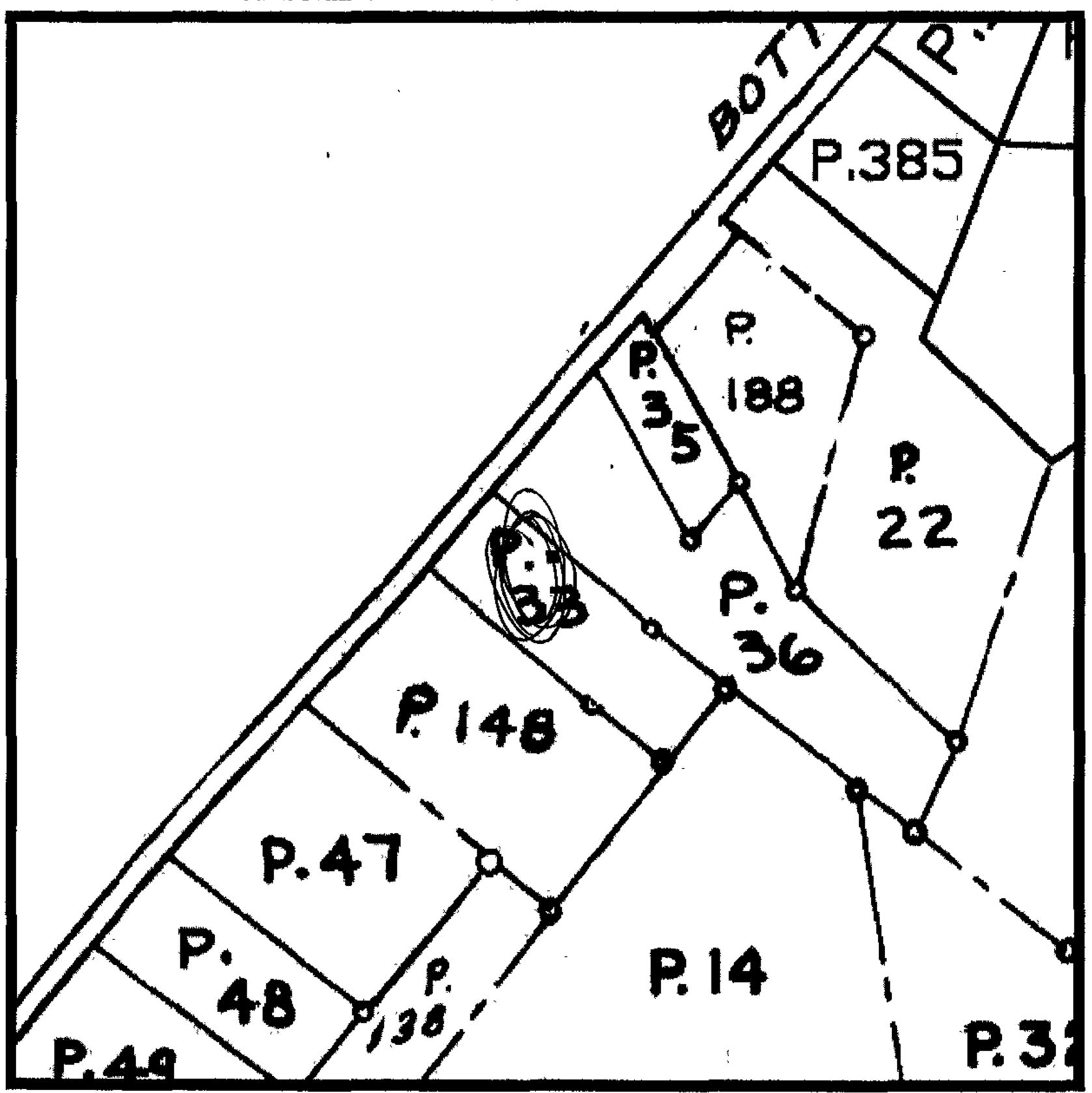
NO

Special Tax Recapture:

* NONE *

Go Back View Map New Search

District - 11 Account Number - 2000009402



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

٠,

CASE NAME CASE NUMBER 05-217.4 DATE

CITIZEN'S SIGN-IN SHEET

								MORDA SHAW Charlotte FINE	
					<			9 County ADDRESS /	
								Obous CITY STATE, ZIP 10-thusson mb & 2/207	
								105/ Cup E-MAIL Cup P E-MAIL The Constant	

CASE NAME CASE NUMBER 05-21

PETITIONER'S SIGN-IN SHEET

										William T Appel	NAME
									2:	14 Rosson Waller Ct.	ADDRESS
									w	2 2	CITY, STATE, ZIP
								d.C	ranme bacchusimporte		E- MAIL

Consequentally ASSOC.

Case No.: 05-217A

Exhibit Sheet

Petitioner/Developer

Protestant

	J	
No. 1	SITE PLAN	
No. 2	Latters (2) of Support	
No. 3	PHOTO GRAPHS	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9	· · · · · · · · · · · · · · · · · · ·	•
No. 10		
No. 11		
No. 12		

Zoning Commissioner of Baltimore County

October 29, 2004

We understand the Wm. Jefferson Appel is planning to build a new home at 13121 Bottom Road and that this new house will be larger than the original home by an additional 10 feet in width and 10 feet in depth. We have no objections to these plans.

KENNETH L	1 Williams	
Name:		
13/15 /301101	$\mathcal{L}\mathcal{R}\mathcal{O}$	
Address:		
410 592	2_931	
Phone:		
Honnett Mgs	:/wi	
Signature:		

Zoning Commissioner of Baltimore County

October 29, 2004

We understand the Wm. Jefferson Appel is planning to build a new home at 13121 Bottom Road and that this new house will be larger than the original home by an additional 10 feet in width and 10 feet in depth. We have no objections to these plans. In addition, this new home will be only 1 foot farther from Bottom Road and 1 foot farther from my house – not the required setback amounts.

Name:	
13125 BOTTOM RD	HYDES MD 21082
Address:	
410.592.2597	
Phone:	
)mn	
Signature:	

Neighbor's House to right

Neighboring House to the right as you face 13121 Bottom Road property.

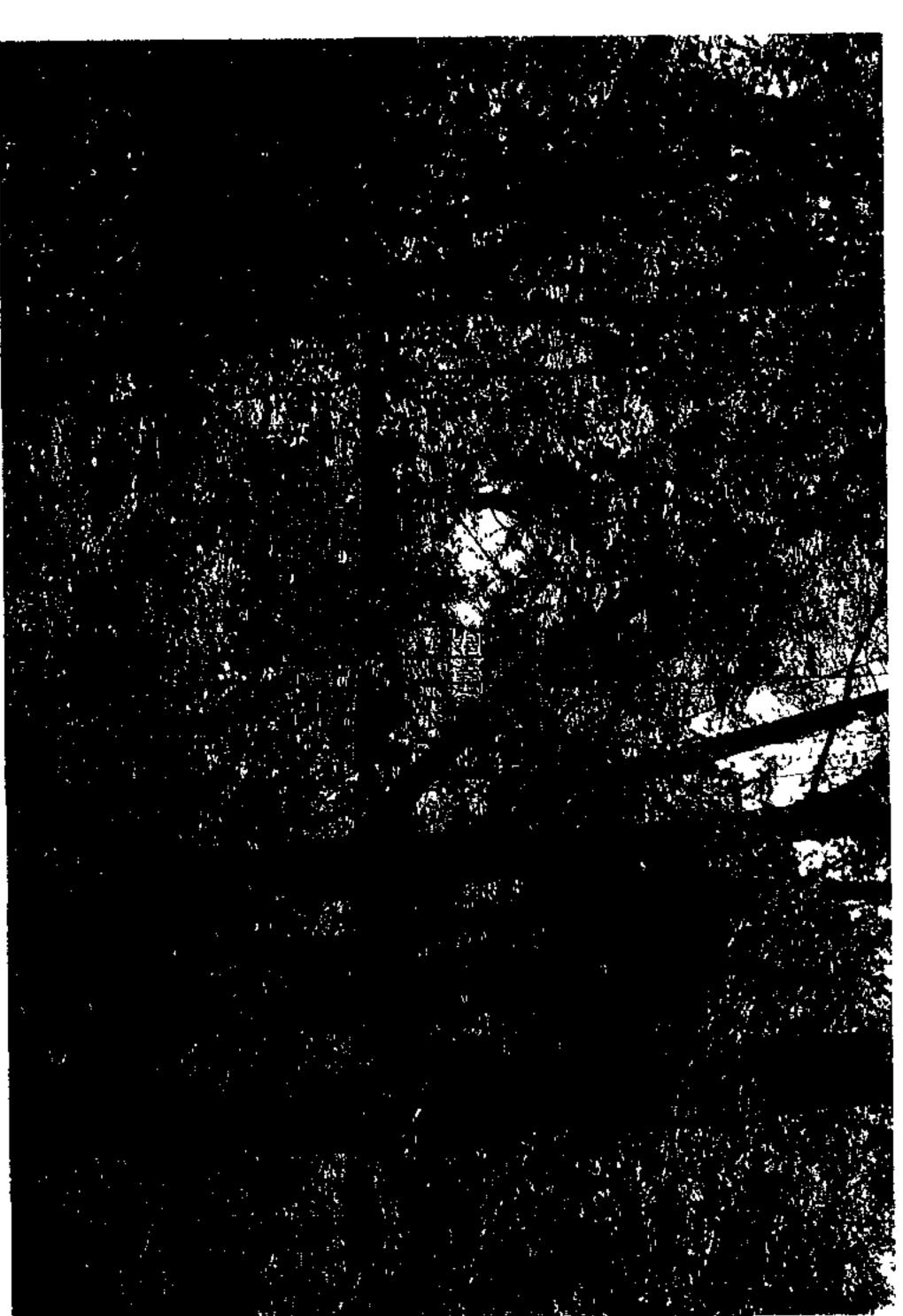
As you will notice, you can barely see the neighboring house as the majority of the 13121

new proposed structure and this

neighbor's house.

on Bottom Road falls between the

Bottom Road property that fronts





Neighbor's House to

These assorted shots show that the nature of the lot prohibits the location of the house in any other location. The stream cuts through the property in the middle and the property slopes upward away from the stream.

If the house were moved any farther away from the neighbor on the left, it would be on top of the well. If it were moved any farther back from the stream, it would be on top of the septic system. Both of these were in place many years prior to existing regulations.

Foundation of Original Structure



TREPIN.



Neighboring Hou you face 13121 E property.

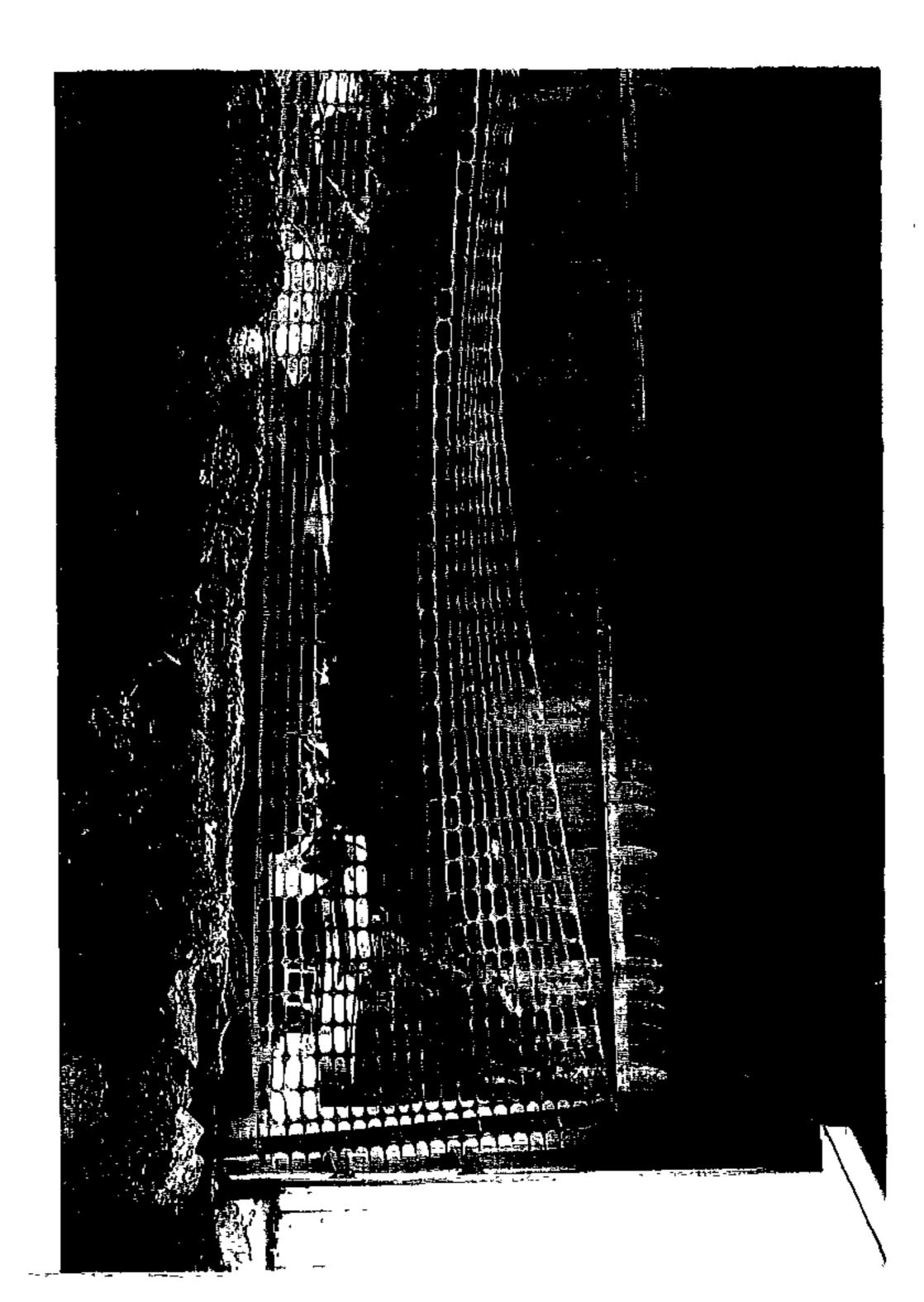
The two pictures were both taken i yard – at least 50 proposed back of Le 1.

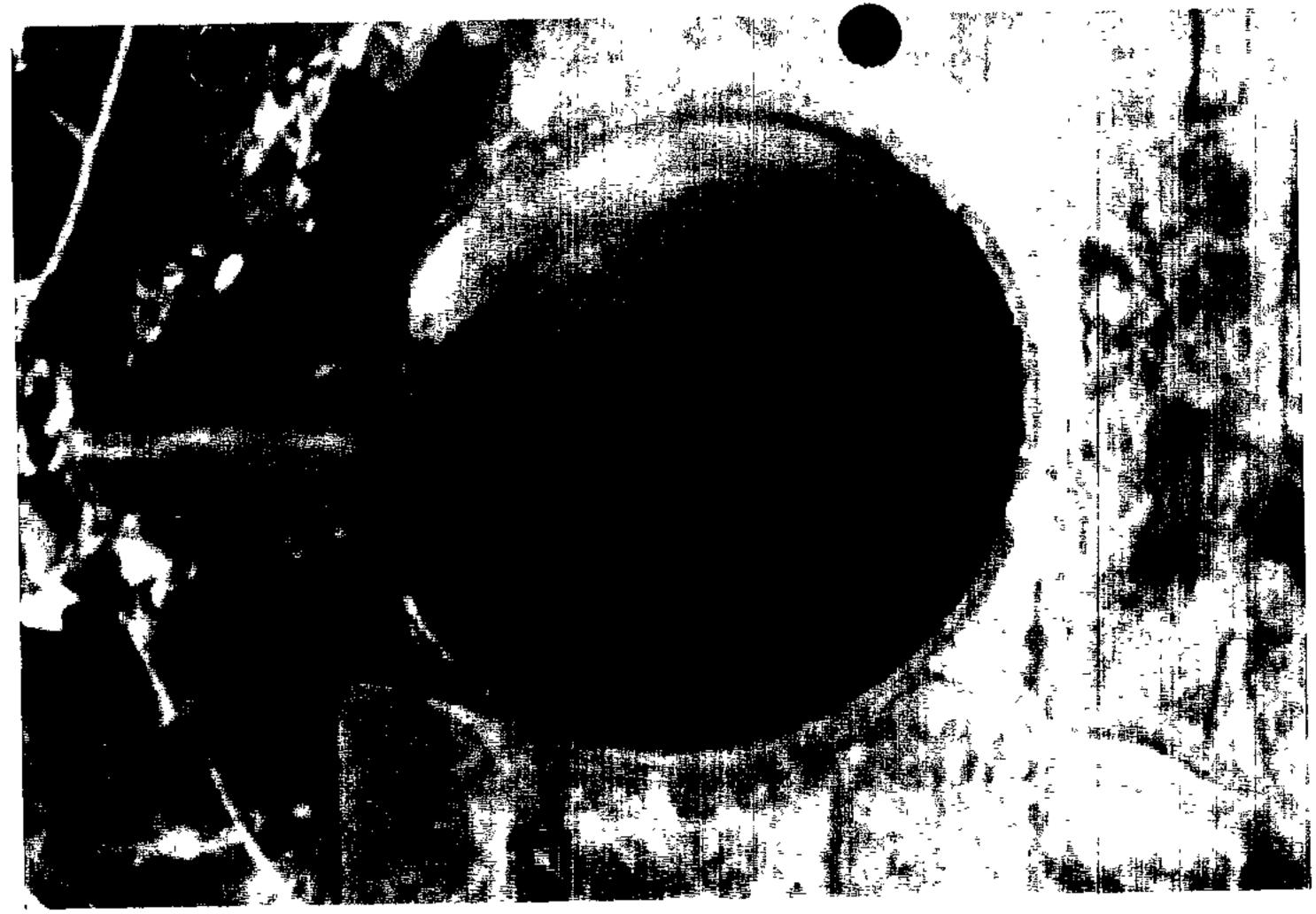
Neighboring House to the left as you face 13121 Bottom Road property.

This picture of the fence faces directly at the neighbor's house.

As you can see, any additional size added to the original structure would not impact these neighbors in any way.

Fence separating neighbor to left









EX. DWLG. MICHAEL LEFF 1112000250 19194/77 2.63 Ac.t * SEE APCHITECTURAL DRAWINGS FOF EXACT DWELLING DIMENSIONS. FOR EXACT DWELLING DIMENSIONS. *EX. DWLG. HAS BEEN PAZED P. 148 KEN & CHAPLOTTE WILLIAMS 1123054050 6205/101 1.98 Ac. ± O.K. TO FILE: PERC LOCATION PLAN #13121 BOTTOM ROAD OWNER: WILLIAM APPEL ELECTION DISTRICT NO. 11 13121 BOTTOM ROAD BALTIMORE COUNTY, MD HYDES MD 21082 SCALE: 1" = 30"EX. STPEAM JULY 14, 2004 TAX MAP: 45 GRID: 21 PARCEL: 33 TAX ACCT. NO.: 2000009402 DEED REF.: 9254/724

Site Kite Surveying, Inc. 200 F. Joppa Road Shell Building, Room 101

TO ACCOMPANY PETITION FOR ZONING XVARIANCE SPECIAL HEARING MY ADDRESS 13121 Bottom Rp. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION SION NAME V/A MAPQUEST PROP 1,000 GAL. P148 KEN & CHAPLOTTE WILLIAMS 1123054050 6205/101 1.98 Ac. ± VICINITY MAP SCALE: 1" = 1000" LOCATION INFORMATION ELECTION DISTRICT COUNCILMANIC DISTRICT OF 1"=200' SCALE MAP # NE#17+NE#18 ZONING RCZ LOT SIZE LAH 4 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER WATER CHESAPEAKE BAY
CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NONE REVIEWED BY ITEM # CASE # PERC LOCATION PLAN #13121 BOTTOM ROAD OWNER: WILLIAM APPEL ELECTION DISTRICT NO. 11 13121 BOTTOM ROAD BALTIMORE COUNTY, MID HYDES MD 21082 Site Rite Surveying, Inc. SCALE: 1" =30' EX. STPEAM 200 E. Joppa Road TAX MAP: 45 GRID: 21 PARCEL: 33 Shell Building, Room 101 **JULY 14, 2004** TAX ACCT. NO.: 2000009402 Towson, MD 21286 8939 (410)828-9060 DEED REF.: 9254/724 PEV 7/22/04 PER POB POWELL & ZONING