IN RE: PETITION FOR VARIANCE

E/S of Woodfall Road, 100 ft. S centerline of Beaconsfield Road 11th Election District 5th Councilmanic District

(8525 Woodfall Road)

Rhonda M. Burris & John Edward Jackson Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* CASE NO. 05-325-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Rhonda M. Burris and John Edward Jackson, the legal owners of the subject property. The Petitioners are requesting variance relief for property they own at 8525 Woodfall Road in Baltimore County. The variance is requested pursuant to Section 415.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a recreational vehicle to be stored in the front yard in lieu of the required side yard, 8 ft. to the rear of a lateral projection of the front foundation line of the dwelling.

The property was posted with Notice of Hearing on January 25, 2005, 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 January 25, 2005 to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in

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

### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated January 25, 2005 recommending denial of this request, a copy of which is attached hereto and made a part hereof.

### Interested Persons

Appearing at the hearing on behalf of the variance request was John Jackson, Petitioner.

Appearing in opposition to the request were Ed & Sue Bogden, James Kadar, Brenda Riegel,

Joyce Pickett, Michelle M. Jones and Raymond Nou. William Libercci attended the hearing on

behalf of the Perry Hall Improvement Association. People's Counsel, Peter Max Zimmerman,

entered the appearance of his office in this case.

### **Code Enforcement Comments**

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This matter is currently the subject of an active violation case (Case No. 04-8780) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter.

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 recreational vehicle is presently stored on the property in the front yard to set a precedent in order to allow it

 to continue. Nor does the fact that it may be costly to remove the vehicle 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 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, is Lot 74 of the Woodfall subdivision, is improved by a single-family dwelling on a lot which is 52 ft. wide. The dwelling has a parking pad in the front yard where the Petitioner parks his recreational vehicle (camper). He testified that he has been trying to sell the camper since December by posting a "for sale" sign in the window and advertising on the internet. At the time of the hearing, he did not have a buyer although he hoped to sell the camper shortly.

He indicated that there was no room on the side of his home to park the camper. He does not want to take the camper to a storage facility because of the cost and trying to sell it at the storage facilities hours. He admitted that the camper had been parked at this location for over two years.

The protestants objected to granting the variance because it is an eyesore located at the entrance to the community. In addition, the camper is so long that it extends past the edge of the parking pad into the sidewalk, which causes pedestrians to have to walk out into the street to get

around it. Several protestants objected to any variance because of their concern that this may set a precedent in the neighborhood, which other owners could follow.

Mr. Libercci indicated that the community association opposed the variance request because the property was in no way unique, and because the issue involved safety of pedestrians there should be no delay in implementing removal of the camper.

### Findings of Fact and Conclusions of Law

I have to agree with Mr. Libercci that this property is not unique in a zoning sense. I have no reason to believe that the "Woodfall" subdivision was recorded in the Land Records before the DR 16 zoning was applied. While I am sympathetic to give the Petitioner time to sell the camper, I do not believe I have the authority to condition denial of the variance delaying its effect.

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 Petitioners, I find that the Petitioners' special hearing request should be denied.

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

JOHO V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

### 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

March 18, 2005

Mr. Rhonda M. Burris Mr. John Edward Jackson 8525 Woodfall Road Baltimore, Maryland 21236

Re: Petition for Variance
Case No. 05-325-A
Property: 8525 Woodfall Road

Dear Ms. Burris & Mr. Jackson:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Ed & Sue Bogden, 4721 Lavington Pl., Baltimore, MD 21236
 James Kadar, 8530 Woodfall Rd., Baltimore, MD 21236
 Brenda Riegel, 8501 Woodfall Rd., Baltimore, MD 21236
 Joyce Pickett, 8514 Woodfall Rd., Baltimore, MD 21236
 Michelle M. Jones, 4725 Lavington Pl., Baltimore, MD 21236
 Raymond Nou, 4717 Lavington Pl., Baltimore, MD 21236
 William Libercci, Perry Hall Improvement Assoc., 19 Shawn Ct., Baltimore, MD 21236





## Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 8525 word  $f_q//Rd$ .

which is presently zoned <u>DR-/6</u>

hereof, hereby petition for a Variance from Section(s)	its and Development Management. The undersigned, legal owner escribed in the description and plat attached hereto and made a p
41	SA.1.A to permit a recreational
vehicle be stored in the front yerd	l in lieu of the required sike yard,
8 St. to the rear of a lateral pr	rejection of the front foundation line
of the Zoning Regulations of Baltimore County, to the zoning	law of Baltimore County, for the following reasons: (indicate hards)
· Chedita and and	and ashap and to the fact
That my property	to To small on The stale
STIME MOUSE 10 S	time the unit,
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pursuant to the second s	l stactions ata and further agrees to and are to be bounded by the bound
I/We perjury, that i is the subject of this P	e do solemnly declare and affirm, under the penalties of I/we are the legal owner(s) of the property which Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
<b>↔</b> √-,	
Name - Type or Print	Name - Type of Print
Signature	L'éaine fal
4.g	Signature Rhoria M. Bunris
Address Telephone No.	Name - Type or Print.
City State Zip Code	Signature
Attorney For Petitioner:	8525 Woodfull Rd,
	Address  Notting have MD 2/236
Name Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	Name
Address \( \) Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Care No. 1 05 - 325 - A	ESTIMATED LENGTH OF HEARING
Care No. 1 05 - 325 - A	UNAVAILABLE FOR HEARING

Reviewed By /3/3/04

### Zoning Description

Beginning at a point on the east side of Woodfall Road which is 50 feet wide at a distance of 100 feet (more or less) south of the centerline of the nearest improved intersecting street Beaconsfield Road which is 60 feet wide. Being lot# 74, in the subdivision of Woodfall as recorded in Baltimore County Plat Book #41, Folio#41 containing 5200 square feet. Also known as 8525 Woodfall Road and located in the 11<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District.

AMOUNT S. L. C. COUNT S. C.			
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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: #05-325-A

8525 Woodfall Road

E/side of Woodfall Road, 100 feet south of centerline of Beaconsfield Road

1 th Election District - 5th Councilmanic District
Legal Owner(s): John Edward Jackson & Rhonda M. Burris
Variance: to permit a recreational vehicle to be stored in
the front yard in lieu of the required side yard, 8 feet to
the rear of a lateral projection of the front foundation line

the rear of a lateral projection of the front foundation line of the dwelling.

Hearing: Wednesday, February 9, 2005 at 2:06 p.m. in Room 407. County Gourts Building, 401 Bosley Avenue, Towson 21284.

WILLIAM WISEMAN

Zonieg Commissioner for Baltimore County

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

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

JT/1/751 Jan. 25

### CERTIFICATE OF PUBLICATION

1/26/2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
n 1/25 2005
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

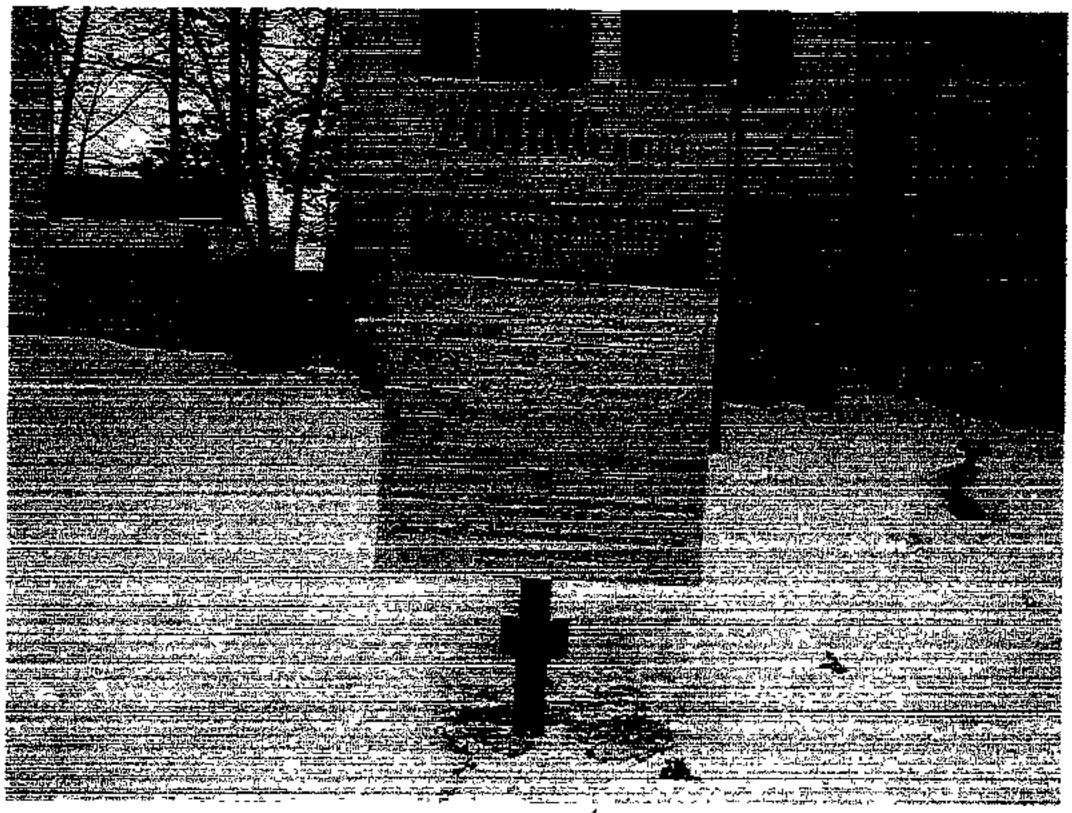
LEGAL ADVERTISING

### CERTIFICATE OF POSTING

RE: Case No. : <u>05-325-A</u>

	Petitioner/Developer:loHN
	TACKSON & RHOWDA BUILD
	Date of Hearing/Closing: 2/9/05
Baltimore County Department Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenua	anagement n 111
Attention:	
Ladies and Gentlemen:	
•	the penalties of perjury that the necessary posted conspicuously on the property 8525 WOODFALL ROAD
	4
This sign(s) were posted on _	(Month, Day Year)
	Sincerely,  (Signature of Sign Poster and Date)  Martin Ogle  Sign Poster  5016 Castlestone Drive  Address  Balto. Md 21237  (443-629-3411)

m000197 (1152x864x24b jpeg)



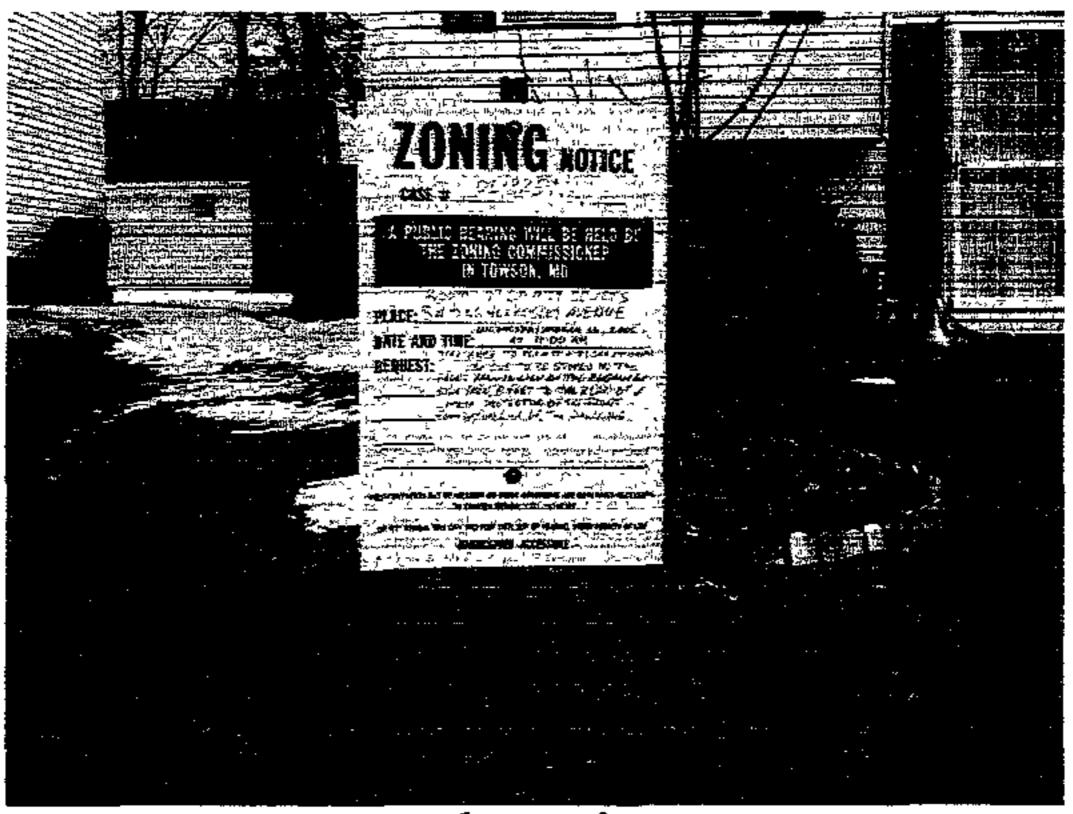
Water 0 1/25/05

### **CERTIFICATE OF POSTING**

RE: Case No.: 05-325-A

	Petitioner/Developer: -DHN
	JACKSON: RHONDA BUREL
	Date of Hearing/Closing: 3/16/05
Baltimore County Department of Permits and Development Manageme County Office Building, Room 111 111 West Chesapeake Avenue	nt
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penal	ties of periury that the necessary
sign(s) required by law were posted co	
sign(s) required by law were posted constant 8525	onspicuously on the property  Woodface 20Ab
sign(s) required by law were posted co	onspicuously on the property  Woodface 20Ab

m000222 (1152x864x24b jpeg)



2428/05

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 25, 2005 Issue - Jeffersonian

Please forward billing to:

John E. Jackson 8525 Woodfall Road Nottingham, MD 21236

410-933-0071

### **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: 05-325-A

8525 Woodfall Road

E/side of Woodfall Road, 100 feet south of centerline of Beaconsfield Road

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: John Edward Jackson & Rhonda M. Burris

<u>Variance</u> to permit a recreational vehicle to be stored in the front yard in lieu of the required side yard, 8 feet to the rear of a lateral projection of the front foundation line of the dwelling.

Hearing: Wednesday, February 9, 2005 at 2:00 p.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

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

January 7, 2005

### **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: 05-325-A

8525 Woodfall Road

E/side of Woodfall Road, 100 feet south of centerline of Beaconsfield Road

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: John Edward Jackson & Rhonda M. Burris

Variance to permit a recreational vehicle to be stored in the front yard in lieu of the required side yard, 8 feet to the rear of a lateral projection of the front foundation line of the dwelling.

Hearing: Wednesday, February 9, 2005 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Mr. John E. Jackson, Ms. Rhonda M. Burris, 8525 Woodfall Road, Nottingham 21236

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 25, 2005.

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

## Department of Permits Development Management

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



### **Baltimore County**

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

February 8, 2005

### **CORRECTED NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-325-A

8525 Woodfall Road

E/side of Woodfall Road, 100 feet south of centerline of Beaconsfield Road

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: John Edward Jackson & Rhonda M. Burris

<u>Variance</u> to permit a recreational vehicle to be stored in the front yard in lieu of the required side yard, 8 feet to the rear of a lateral projection of the front foundation line of the dwelling.

Hearing: Wednesday, March 16, 2005, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. John E. Jackson, Ms. Rhonda M. Burris, 8525 Woodfall Road, Nottingham 21236

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 1, 2005.

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



## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT 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 - 325 - A
Petitioner: John E. Jackson
Address or Location: 8525 Wood Fall Rd,
Nottingham, MD21236
PLEASE FORWARD ADVERTISING BILL TO:
Name: John Fi Jackson
Address: 8525 Wood+a// Rd,
1/0HTrusham. MTD 21236
Telephone Number: 4/0- 933-007/

## Department of Permits Development Management

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





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

February 2, 2005

John Edward Jackson Rhonda M. Burris 8525 Woodfall Road Nottingham, Maryland 21236

Dear Mr. Jackson and Ms. Burris:

RE: Case Number: 05-325-A, 8525 Woodfall Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 30, 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. Callillell

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: db

Enclosures

c: People's Counsel



### Department of Permits Development Management

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





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

March 8, 2005

John Edward Jackson Rhonda M. Burris 8525 Woodfall Road Nottingham, Maryland 21236

Dear Mr. Jackson and Ms. Burris:

RE: Case Number: 05-325-A, 8525 Woodfall Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 30, 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.

W. Callaball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: db

Enclosures

People's Counsel C:

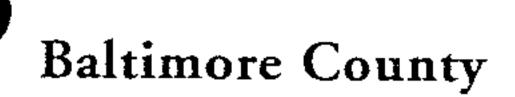


### Fire Department

Tel: 410-887-4500

700 East Joppa Road Towson, Maryland 21286-5500





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

January 4, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.:

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 Franklin J. Cook Fire Marshal's Office (O) 410-887-4881 (C) 443-829-2946 MS-1102F

cc: File



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE

**DATE:** January 24, 2005

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For January 17, 2005

Item Nos. 319, 320, 323, 324, 325, 326,

327, 330, 331, 332, and 333

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

RWB:CEN:jrb

cc: File



TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joo

**DEPRM** 

DATE:

February 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 10, 2005.

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

05-319 0<u>5-323</u>

05-325

05-326

05-327

05-330

05-332

05-333

Reviewers:

Sue Farinetti, Dave Lykens

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** January 25, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

8525 Woodfall Road

**INFORMATION:** 

Item Number:

5-325

**Petitioner:** 

John Edward Jackson

Zoning:

DR 16

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

The intent of Section 415.A.1.A of the BCZR is to protect the aesthetics and character of the surrounding community by prohibiting recreational vehicles and boats to be stored in direct view of existing residences. This office is of the opinion that the petitioner's lot is unsuitable for the storage of a recreational vehicle in the side or rear yard. As such, the Office of Planning recommends the petitioner's request be **DENIED**.

Prepared by:

**Division Chief:** 

AFK/LL:MAC:







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

Robert L Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 1.10.05

Baltimore County

Item No. 325

RE:

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, Chief

1. 1. Soulh

Engineering Access Permits Division



8525 Woodfall Road; E/side Woodfall Road,

100' S c/line Beaconsfield Road

11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts

Legal Owner(s): John Edward Jackson

& Rhonda M. Burnis

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-325-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 13<sup>th</sup> day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to, John E. Jackson & Rhonda M. Byrnis, 8525 Woodfall Road, Nottingham, MD 21236, Petitioner(s).

RECEIVED

JAN : 3 ZOJ

People's Counsel for Baltimore County

### Department of Permits 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

February 9, 2005

John E. Jackson Rhonda Burris 8525 Woodfall Road Nottingham, MD 21236

Dear Mr. Jackson & Ms. Burris:

RE: Case Number: 05-325-A, 8525 Woodfall Road

The above matter, previously scheduled for February 9, 2005, has been postponed per your request. The hearing has been rescheduled and the new notice is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours.

Lot-oc

Timothy Kotroco

Director

TK:klm



FROM: Hardle ! The FEB. 01 2005 01:11PM P1 PHONE NO. : 2/1/05 (Pulg Attai Zoneng Commesstanen We would Itke to neschedules oun zoning hearing due to a family emengency, Hone Is the Internegation's ('ase Number: 05-325-17 8525 Wood Full Road Efside of Woodfall Road 100 feet south of contentine OF Begconsfield Road 11th Election District 5th Council name Distant Legal Ownensi Juhn Edward Jacksons Rhanda M. Bynn IS Sonny for the basele place contact me to confirm, John E, Jackson 410-889-1000 wond 410-952-3837 Thank You Kristen!

Reschedule

To: Saik M 78: 05-325A Hus Acheduled for 2/9/05 @ 2:00 Pm As Dunderstand events - Kristen MATTHEWS FROM agreed to reschedule and advised fet, honers to Mark Posted Yard sign as "Cost PONED" We had several stime facts from interested Parties
one Sheriff's Deputy and Beise dent 1/15 troppy : Questioned how someone tould tell they would have a family emergency ! S days before the hearing \_\_ No one marked The Posted Noku as Jon Inved-et etc Robin determined fase was rescheduled to
3/16 @ 11:00mm in 104 - your clocket Just a heads up this evedentally moolves the parking of an RV must be a

mn, Duvall-

With sincere appreciation for your kindness and generosity.

NPR Rocks - Thanks For your help John Jackson



The following undersigned residents, property owners and neighbors express their strongest desire for the denial of appeal #05-325A. We understand that this petition will be submitted to the zoning board on or about February 9,2005.

The proposed variance if granted would cause substantial harm to the value of our properties. This request does not serve any general good, however it would set an undesirable precedent for other actions which will cause property devaluation.

Finally, due to the location of the property at the only entrance and exit for the subdivision of Woodfall consisting of 83 homes all residents and visitors including prospective home buyers will be exposed to this nuisance.

Printed Name	Printed Name
JoAnn Marye	
Address 8532 Woodfall RR Batto Malzing	Address
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Address 832 Wookfull Q. Bolds Md. 21231	Address
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PLEASE PRINT CLEARLY

CASE NUMBEROS-325-4

# PETITIONER'S SIGN-IN SHEET

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MILTHAM GAN, MI)	20/18 30 mm								
ADDRESS World Fall Rd,									
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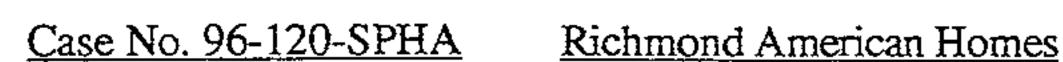
CASE NAME 8595 Washed Par CASE NUMBER 05-3259A DATE 3/6/65

## CITIZEN'S SIGN-IN SHEET

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ADDRESS	4721 LAVINGTON FL. 8530 Mirabladle	DA	14 Wash	25 Lavington U	471) Laurethi The	5							
NAME	Elburg Haden	Alanda Regel	Jana Vidett	* makelle m sons	Helymore Hon.	WillAMAIBERCI							

## CHIZEN'S SIGN-IN SHEEL

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In <u>Cromwell v. Ward</u>, 102 Md. App. 691 (1995) the Court of Special Appeals has construed this regulation as follows:

[T]he variance process . . . is at least a two-step process. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is — in and of itself — unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.

Cromwell cited North v. St. Mary's County, 99 Md. App. at 512 to show that the term "unique" in the zoning context requires that the subject property have an inherent characteristic not shared by other properties in the area, in regard to such factors as shape, topography, subsurface condition, environmental factors, and so forth.

The Petitioners failed to present any testimony or evidence to this Board showing that the subject site possessed any such peculiar, unusual or unique factors. Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirements cannot be properly considered.

However, even assuming, for the sake of argument, that the property meets the requirement of uniqueness, the Petitioners failed to produce convincing evidence of practical difficulty or unreasonable hardship. The Petitioners are seeking the variances for marketing and aesthetic reasons. The fact that the project will go ahead even if the requested relief is not granted, as testified to by Mr. Scoll, shows that there is no unreasonable hardship.

For these reasons the Board will deny the Petition for Variance and must therefore deny the Petition for Special Hearing.

### ORDER

IT IS THEREFORE, this 8th day of August, 1996, by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Special Hearing to amend the Final Development Plan for Barkley Woods, Section I, be and is hereby DENIED; and it is further

ORDERED that the Petition for Variance as set forth in this Opinion be and is hereby DENIED.

The following undersigned residents, property owners and neighbors express their strongest desire for the denial of appeal #05-325A. We understand that this petition will be submitted to the zoning board on or about February 9,2005.

The proposed variance if granted would cause substantial harm to the value of our properties. This request does not serve any general good, however it would set an undesirable precedent for other actions which will cause property devaluation.

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Printed Name, Millisa Wiseman Address Address Fillo Lavington Place Signature William Wiseman	Printed Name Sheve Wiseman  Address Signature  Signature
Printed Name  TRAYMOND NORI  Address  4717 LAVINGTON PL-  Signature  Raymond Thru	Printed Name.  Jill Cherundolo  Address  Address  Signature  Cherundolo  Mullington
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Roger L. Batten	Chris ZAYDEL
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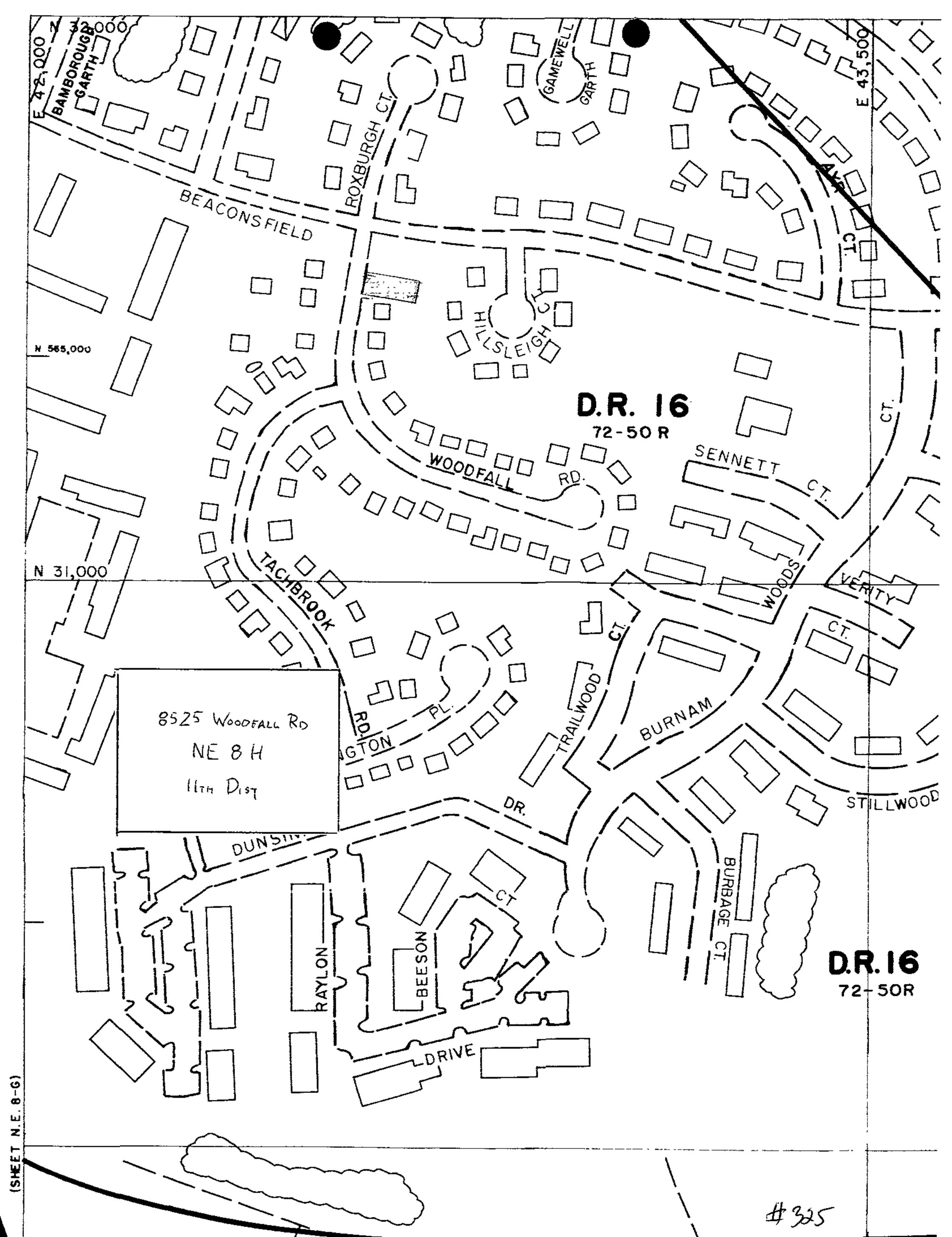
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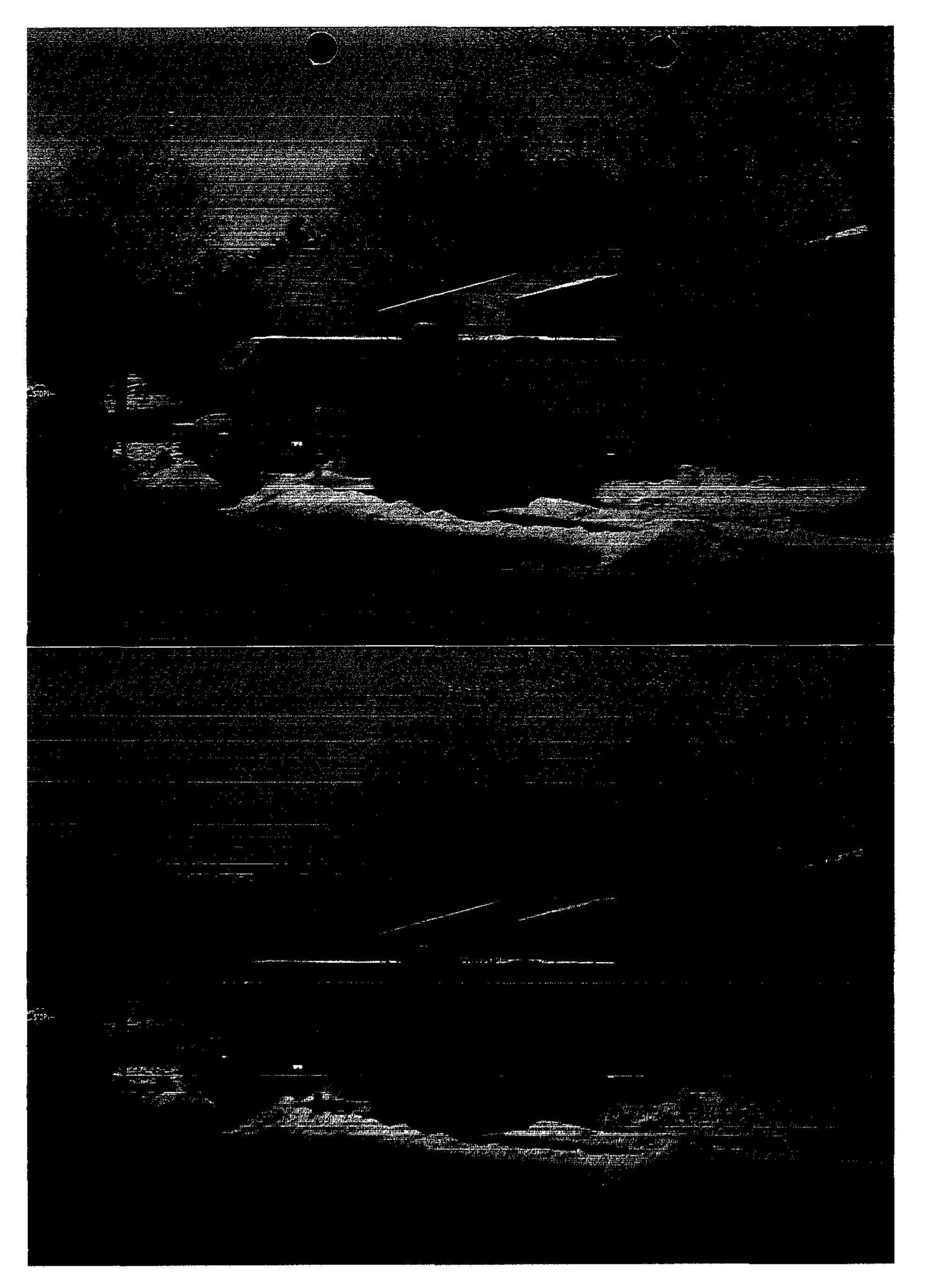
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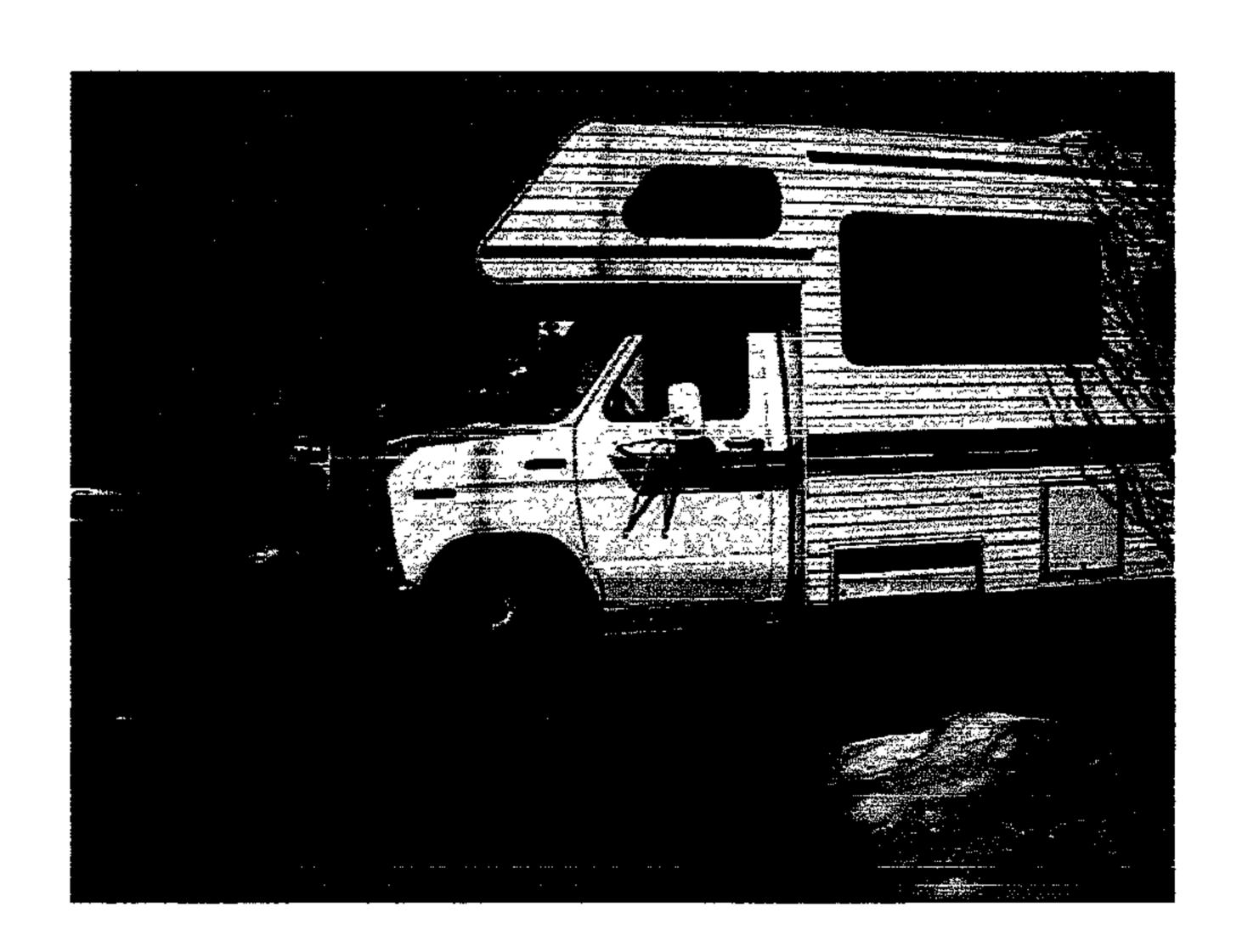
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