

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Shirley Manor Road, 266 ft. +/-
E centerline of Chariot Road
4th Election District
2nd Councilmanic District
(926 Shirley Manor Road)

Audrey J. & William J. Kain, II
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-518-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Audrey J. and William J. Kain, II. The Administrative Variance request is for property located at 926 Shirley Manor Road in Baltimore County. The request is from Sections 1B02.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a carport within one foot of the side property line in lieu of the required 7.5 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The case was originally filed as an administrative variance, but was ultimately set in for a hearing by the Zoning Commissioner's Office in light of the Office of Planning's request that the petition be denied. Notice of the hearing was given to the public by posting the property with notice of the hearing on June 29, 2005 and by publication in "The Jeffersonian" newspaper on June 28, 2005.

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

ORDER RECEIVED FOR FILING

8/3/05

Ray

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 recommending denial of Petitioners' request was received from the Office of Planning dated April 28, 2005, a copy of which is attached hereto and made a part hereof. In addition, ZAC comments were also received from the Bureau of Development Plans Review dated May 2, 2005, 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 William J. Kain, II, Petitioner. There were no protestants or interested citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 0.23 acre and is zoned DR 3.5. Testimony of the Petitioners indicated that this property is improved by a single-family dwelling shed and pool. The Petitioner would like to erect a two-car carport attached to the west side of his home to store vehicles and a boat. He requested a side yard setback of 1 ft. The Planning Office indicated that they would be satisfied with a 3 ft. setback, to allow room for maintenance and avoid encroachment.

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8/3/05
Ray

The Petitioner testified that there is an existing side entrance to his home under the carport which occupies 5.5 feet. See Petitioner's Exhibit 1 and photo 2 E. The lot is narrower at the road then in the back. As such, the minimum distance available for the carport from the front of his home to the side yard is 24 ft. If he sets the carport back 3 ft. to satisfy the Office of Planning, he would have 15.5 feet in which to store this vehicles and boat. He acknowledged that this would be tight but that he could live with this setback.

Findings of Fact and Conclusions of Law

I find that the Office of Planning request to keep at least 3 ft. separation from the fence line (property line) to the carport most reasonable. This will allow maintenance equipment to pass between the fence and the carport and not encroach onto the next door property. I see from the Petitioner's Plan to Accompany that he wants to build a carport the full length of the house. The side entrance only occupies the front portion of the carport so, if the carport is built as shown, he would have an "L" shaped area under which to store vehicles and his boat. He says that he can live with this setback and I agree with him.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The existing home and truncated lot indicated that the property is unique from a zoning standpoint. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Having a full 7.5 ft. setback would mean the distance between the carport vertical structure and side entrance would be only 11 ft., which would not be large enough to meet his needs for a two-vehicle garage. Residential density is not an issue in this matter. Finally, I find that this variance 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. I do not see any adverse impact on the community from this carport.

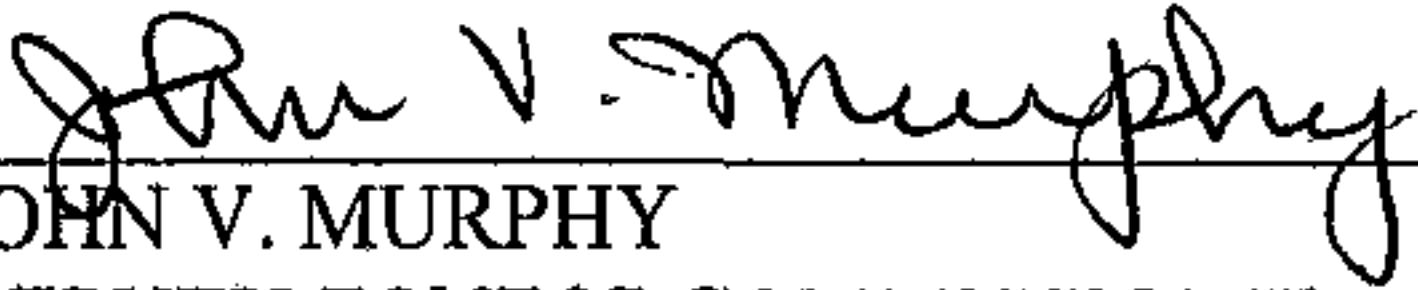
RECEIVED FOR FILING
8/3/05
Ray

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 with a 3 ft. side yard setback .

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3 day of August, 2005, that a variance from Sections 1B02.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a carport within 3 ft. of the side property line in lieu of the required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

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
8/3/05
Ray

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

August 4, 2005

Mr. & Mrs. William J. Kain, II
926 Shirley Manor Road
Reisterstown, Maryland 21136

Re: Petition for Administrative Variance
Case No. 05-518-A
Property: 926 Shirley Manor Road

Dear Mr. & Mrs. Kain:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative 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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 926 Shirley MANOR Road
which is presently zoned OR3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.C.1 AND 301.1, BL22, TO
PERMIT A CARPORT WITHIN ONE FOOT OF THE SIDE
PROPERTY LINE IN LIEU OF THE REQUIRED 7.5 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

Legal Owner(s):

William J Kain II
Name - Type or Print

[Signature]
Signature

Audrey J Kain
Name - Type or Print

Audrey J Kain
Signature

926 Shirley MANOR Road
Address

Reisterstown MD 21136
City State Zip Code

Representative to be Contacted:

Same
Name

[Signature]
Address

[Signature]
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 12 day of April, 2005, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 05-518-A

REV 10/25/01

Reviewed By [Signature] Date 4-8-05

Estimated Posting Date 4-12-05

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 926 Shirley Manor Road
Address
Reisterstown md 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

We purchased our property with the intention of building a garage in rear yard, however due to BGE power line easement we were unable to build the garage. We would like to build a 2 car carport on the right side of dwelling as close to property line as possible to protect our vehicles from the elements of our environment.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
WILLIAM J KAIN II
Name - Type or Print

Audrey J Kain
Signature
AUDREY J KAIN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William J KAIN II & AUDREY J KAIN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Bonnie J. Janner
Notary Public

My Commission Expires 7-17-07

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 926 Shirley Manor Road
Address
Reisterstown md 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We purchased property with intentions of building a garage in rear yard, however due to B&E Power line easement we were unable to build the garage. We would like to build a 2 car carport on the right side of dwelling as close to property line as possible to protect our vehicles from the elements of our environment.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
WILLIAM J KAIN II
Name - Type or Print

Audrey J Kain
Signature
AUDREY J KAIN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William J Kain II & Audrey J Kain
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Bonne L. Latimer
Notary Public
My Commission Expires 7-17-07



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 926 Shirley Manor Road
which is presently zoned DR3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.C.1 AND 301.1; BL2R,

TO PERMIT A CARPORT WITHIN ONE FOOT OF THE
SIDE PROPERTY LINE IN LIEU OF THE REQUIRED 7.5 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

Legal Owner(s):

William J Kain II
Name - Type or Print

[Signature]
Signature

Audrey J Kain
Name - Type or Print

Audrey J Kain
Signature

926 Shirley Manor Road
Address

Reisterstown MD
City State Zip Code

202409-1576
410833-3717

Representative to be Contacted:

Same
Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 05-518-A

REV 10/25/01

Reviewed By [Signature] Date 4.8.05

Estimated Posting Date 4.17.05

Zoning Description For:

**926 Shirley Manor Road
Reisterstown, MD 21136**

Beginning at a point on the south side of Shirley Manor Road which is 39 feet wide at a distance of 266 feet east of the centerline of the nearest improved intersecting street Chariot Road which is 30 feet wide. Being Lot # 4, Block C, Section # 1 in the subdivision of Suburbia as recorded in Baltimore County Plat Book # 26, Folio # 89, containing .23 acres. Also known as 926 Shirley Manor Road and located in the 4th Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 443650

DATE

4.8.05

ACCOUNT

Row- 000-6150

AMOUNT

\$ 65.00

RECEIVED
FROM

W. Kain

926 Shubert

FOR

AD. VAN

MANOR Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS

ACTUAL

TIME

DATE

4/12/2005

4/08/2005

14:24:09

2

ED W004

WALKIN

IND. IND

RECEIPT # 309476

4/12/2005

OFFIN

Dept

5 528

ZONING VERIFICATION

R. HT.

443650

Recd Int

\$45.00

\$65.00 EX

\$1.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

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

Case: #05-518-A
926 Shirley Manor Road
S/side of Shirley Manor
Road, 266 feet +/- east of
centerline of Charlot Road
4th Election District
2nd Councilmanic District
Legal Owner(s): William J.
& Audrey K. Kain, II
Variance: to permit a car-
port within one foot of the
side property line in lieu of
the required 7.5 feet.
Hearing: Thursday, July
14, 2005 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Boxley Ave-
nue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT 6/752 June 28 56817

CERTIFICATE OF PUBLICATION

7/11, 2005

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 6/28/2005.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-518-A

Petitioner/Developer: _____

William Kain

Date of Hearing/Closing: 5-2-05

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:

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 926 Shirley Manor Road
Reisterstown, MD 21136

April 19, 2005

(Month, Day, Year)

Sincerely,

Stacy Gardner 4-19-05
(Signature of Sign Poster and Date)

Stacy Gardner

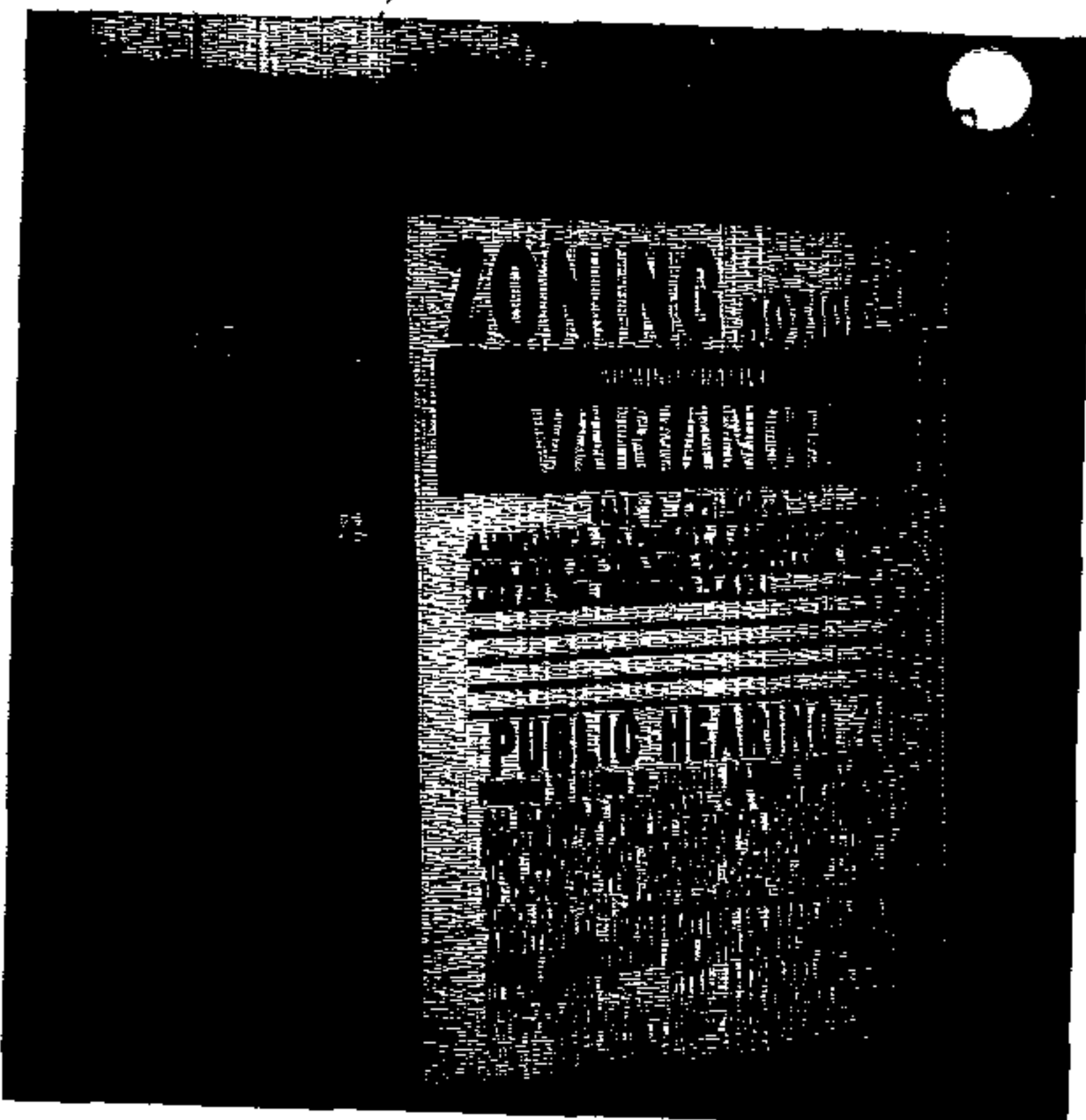
SHANNON BAUM SIGNS INC.

105 COMPETITIVE GOALS DR.

ELDERSBURG, MD. 21784

(Address)

410-781-4000





Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

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

May 27, 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: 05-518-A

926 Shirley Manor Road
S/side of Shirley Manor Road, 266 feet +/- east of centerline of Chariot Road
4th Election District – 2nd Councilmanic District
Legal Owners: William J. & Audrey K. Kain, II

Variance to permit a carport within ¹⁻one foot of the side property line in lieu of the required 7.5 feet.

Hearing: Thursday, July 14, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

* 6/29 *
Sign posted by GF
GF

camera not
available
klm

C: William & Audrey Kain, 926 Shirley Manor Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 29, 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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 28, 2005 Issue - Jeffersonian

Please forward billing to:

Permits & Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

410-887-3353

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: 05-518-A

926 Shirley Manor Road

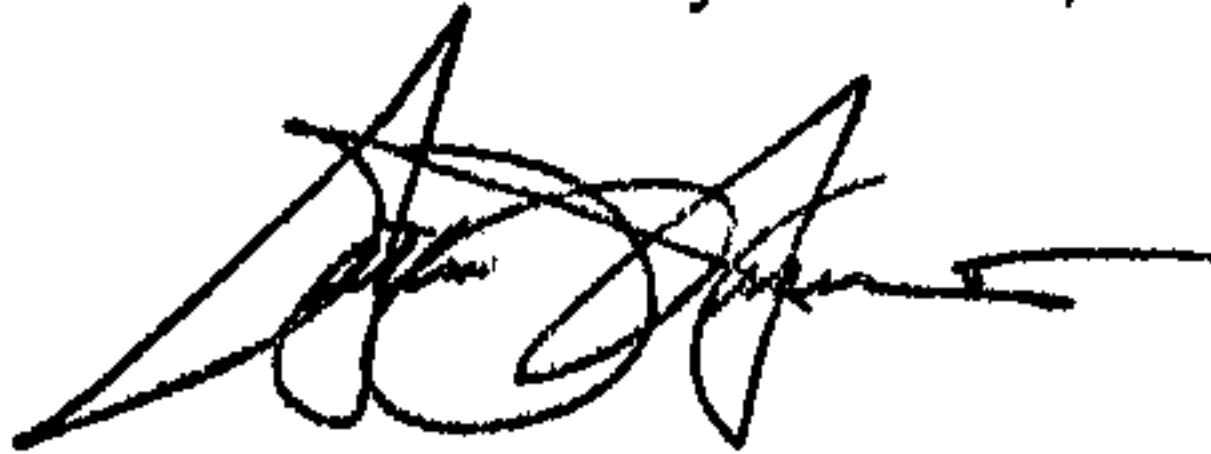
S/side of Shirley Manor Road, 266 feet +/- east of centerline of Chariot Road

4th Election District – 2nd Councilmanic District

Legal Owners: William J. & Audrey K. Kain, II

Variance to permit a carport within one foot of the side property line in lieu of the required 7.5 feet.

Hearing: Thursday, July 14, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: _____

518

Petitioner: William Kane

Address or Location: 926 Shirley Manor Rd. Pikesville, Md.
21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

SAPL

Telephone Number: _____

410 - 833 - 3717

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 518 -A Address 926 SHIRLEY MANOR Rd.
Contact Person: J. Mewer Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4.8.05 Posting Date: 4.17.05 Closing Date: 5.2.05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 518 -A Address 926 SHIRLEY MANOR Rd
Petitioner's Name WILLIAM KAIN Telephone 410-433-3717
Posting Date: 4.17.05 Closing Date: 5.2.05
Wording for Sign: A VARIANCE
To Permit A CARPORT WITHIN ONE FOOT
OF THE SIDE PROPERTY LINE IN LIEU OF
THE REQUIRED 7.5 FT.

**Department of Permits and
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

July 5, 2005

William J. Kain
Audrey J. Kain
926 Shirley Manor Road
Reisterstown, Maryland 21136

Dear Mr. and Mrs. Kain:

RE: Case Number: 05-518-A, 926 Shirley Manor Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 8, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



**Department of Permits and
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*

May 2, 2005

William I. Kain II
Audrey J. Kain
926 Shirley Manor Road
Reisterstown, Maryland 21136

Dear Mr. and Mrs. Kain:

RE: Case Number: 05-518-A, 926 Shirley Manor Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 8, 2005

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." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 4.22.05

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

RE: Baltimore County
Item No. 518 JCM

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

April 21, 2005

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

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 25, 2005

Item No.: 517, 518, 520, 521, 522, 523, 524, 525, 526, 527, 528

Pursuant to your request, this Office has reviewed the referenced plan(s) 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.

Acting Lieutenant William F. Connolly, Jr.
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

7/14

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JDO}
DATE: May 24, 2005, 2005
SUBJECT: Zoning Items # See List Below

RECEIVED

MAY 25 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of April 25, 2005

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

05-423
05-518 *Set in for Hearing*
05-521 *Granted 5/17/05*
~~05-522 Bw - 5/24~~
~~05-524 Bw 5/24~~
05-527 Bw (w/3)

Reviewers: Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 28, 2005

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

SUBJECT: 926 Shirley Manor Road

INFORMATION:

Item Number: 5-518

Petitioner: Audrey & William J. Kain, II

Zoning: DR 3.5

Requested Action: Administrative Variance

RECEIVED

APR 29 2005

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request and recommends that it be **DENIED**.

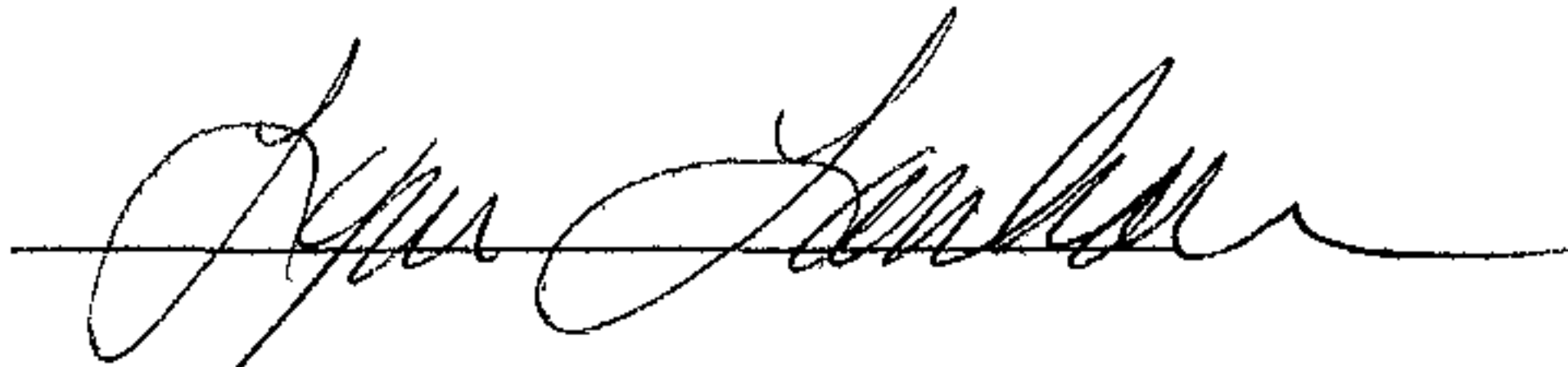
This office is of the opinion that a 1-foot side yard setback will potentially result in difficulty of yard maintenance, and encroachment. The petitioner should reduce the size of the proposed carport so as to maintain a minimum 3-foot side yard setback.

For further information concerning the matters stated herein, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: May 2, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, ^{DAK} Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 25, 2005
Item No. 518

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 518-05022005.doc

7/14

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Kristen Matthews
Dept. of Permits & Development Mgmt.

DATE: May 19, 2005

FROM:  Robin Jameson, Secretary to
John V. Murphy
Deputy Zoning Commissioner

SUBJECT: ~~Petition for Administrative Variance--~~ 5/2/05 Closing Date
Case No. 05-518-A

After a review of the above-captioned matter, Jack Murphy has requested that this case be set in for hearing. Petitioner could not reach agreement with the Office of Planning and Jack thinks a hearing would be beneficial in deciding this case. We are returning the file to you for further processing, i.e. notifying the petitioner, posting of hearing notice, etc.

Once a hearing date has been scheduled, it would be appreciated if you would have Dave Duvall prepare a "Notice of Hearing" sign and have Gary Freund post the property.

Thank you for your attention and cooperation in this matter.

notify OPZ

**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

May 27, 2005

William J. Kain, II
Audrey J. Kain
926 Shirley Manor Road
Reisterstown, MD 21136

Dear Mr. & Mrs. Kain:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-518-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by the zoning commissioner request to hold a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing.

The property will be reposted with the hearing date, time and location by our office. This notification will be published in the Jeffersonian and the fee entailed by this will also be handled by our office.

If you need any further explanation or additional information, please feel free to contact Joseph Merrey at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm



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

May 5/26

May 10, 2005

Mr. & Mrs. William J. Kain, II
926 Shirley Manor Road
Reisterstown, Maryland 21136

Re: Petition for Administrative Variance
Case No. 05-518-A
Property: 926 Shirley Manor Road

Dear Mr. & Mrs. Kain:

I have been given your request for administrative variance for review and received the attached comment from the Office of Planning. As you can see, they ask that the request be denied. I could set this case in for public hearing where both of you and the representatives of the Office of Planning could appear and tell me in detail why the request should be approved or denied.

However, it appears that the differences between your proposal and the Office of Planning's are quite small. You propose a one foot setback. They propose a 3 foot setback. Might I suggest that you contact the Office of Planning (410-887-3480) to see if your differences can be resolved. If so, the Office of Planning would send me a revised ZAC comment and I could decide the case. If you and Office of Planning cannot agree, I can set the matter in for public hearing.

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mark Cunningham
Office of Planning

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



To Whom It May Concern,

I live at 924 Shirley Manor Road. My next-door neighbor at 926 Shirley Manor Road wants to build an attached two-car carport to the right side of his house. I have no concerns as to the closeness to the property line that he wants to build, as I have 20 feet from my house to the property line.

If you have any more questions you can contact me at 410-608-3737.

Sincerely

A handwritten signature in black ink, appearing to read "Robert Moore", with a stylized flourish at the end.

Robert Moore

A handwritten signature in black ink, appearing to read "Rosme L. Latimer", with a large "L" and "Y" above the name.
7-17-07

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

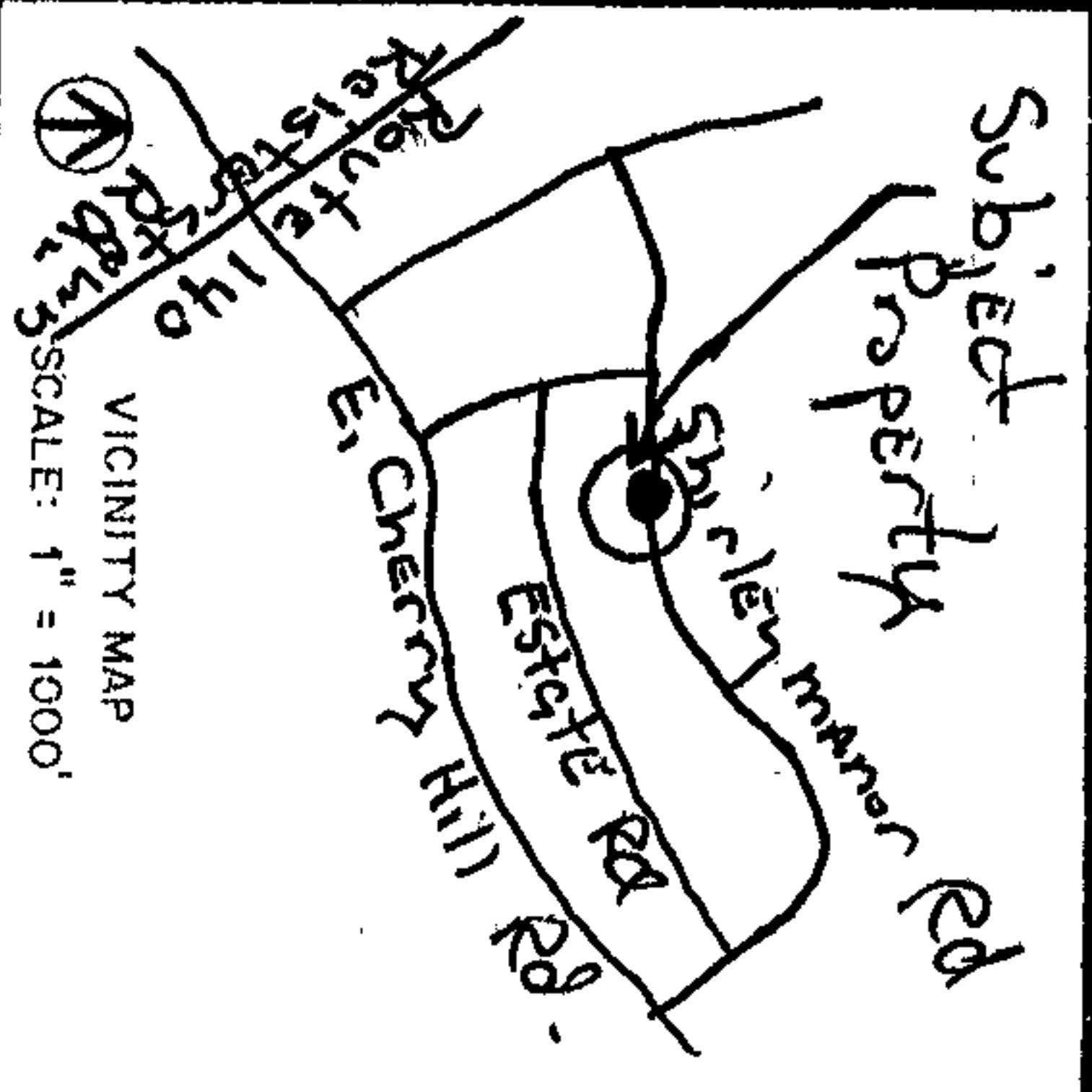
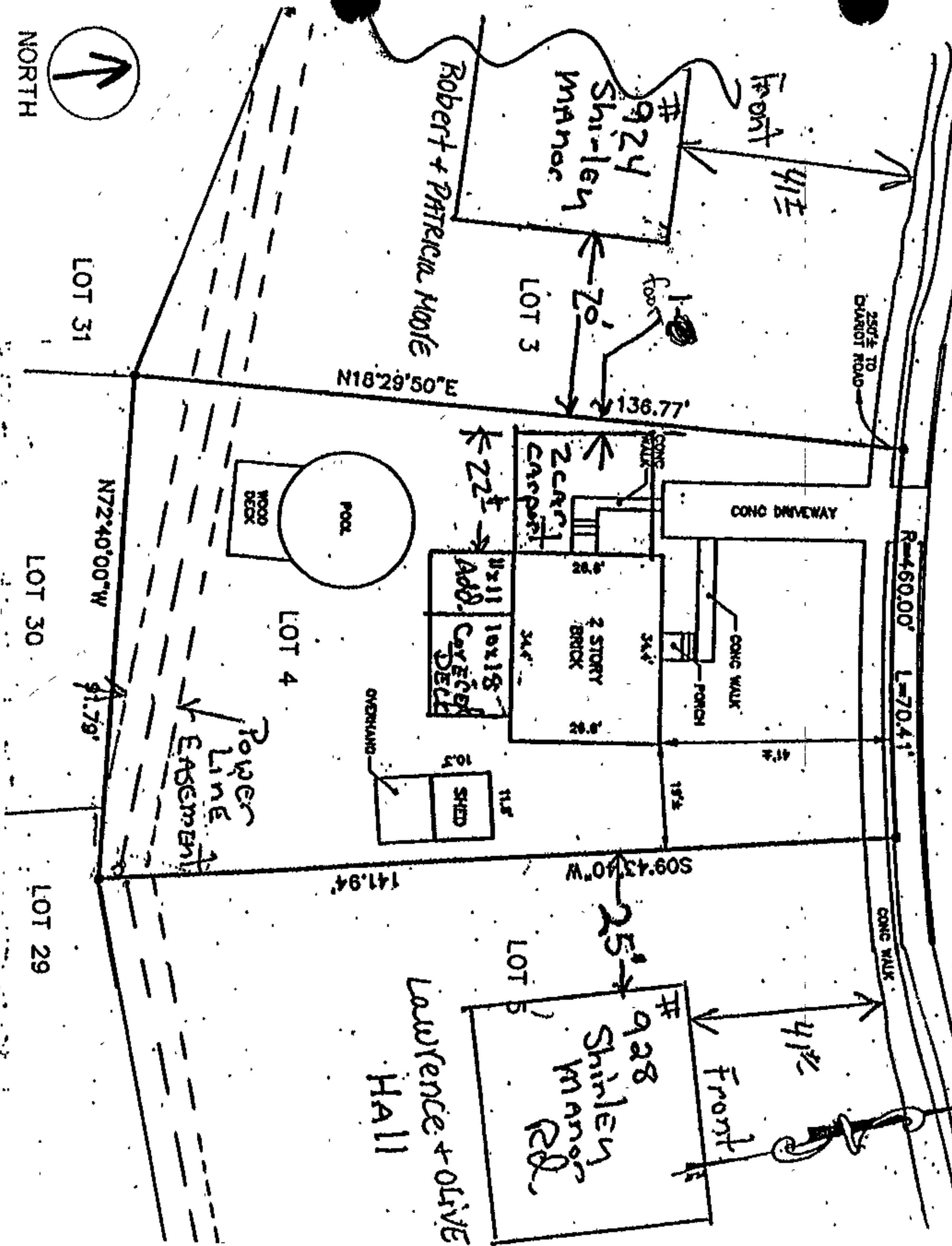
PROPERTY ADDRESS 926 Shirley Manor Rd SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME "Suburbia"

PLAT BOOK # 26 FOLIO # 89 LOT # 4 SECTION # 1

OWNER William J & Audrey J. Kain

Owner: William J. Kain II & Audrey J. Kain
SHIRLEY MANOR ROAD



LOCATION INFORMATION

ELECTION DISTRICT # 4th

COUNCILMANIC DISTRICT 2nd

1" = 200' SCALE MAP # NW 15-J

ZONING DR 3.5

LOT SIZE .23

ACREAGE 0.23 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

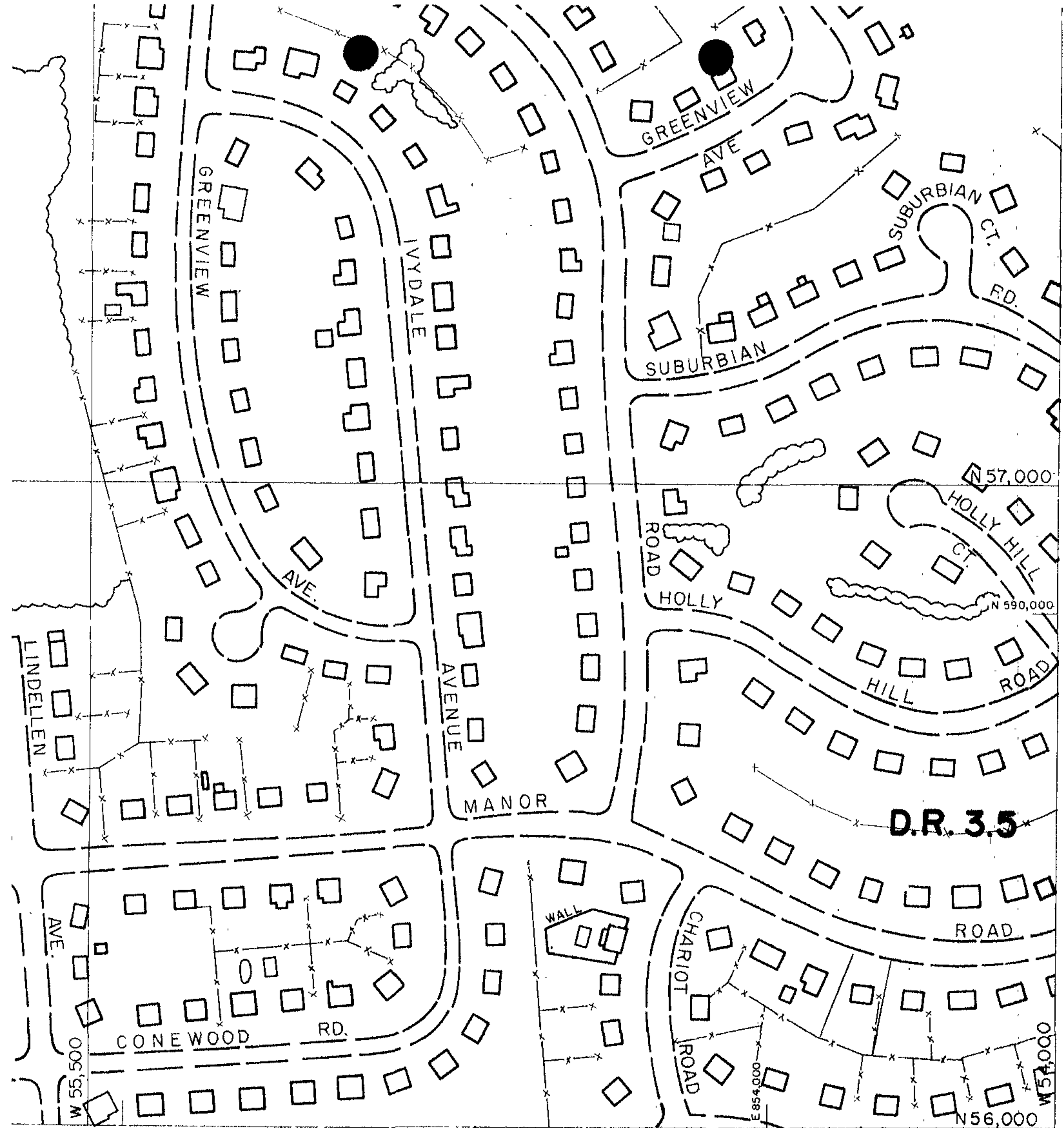
100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE # 26

PREPARED BY William Kain SCALE OF DRAWING: 1" = 34'



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

REISTERSTOWN
AREA
DELIGHT

SHEET

N. W.
15-J

924



926



92

926 Shingle Manor
Rd

928



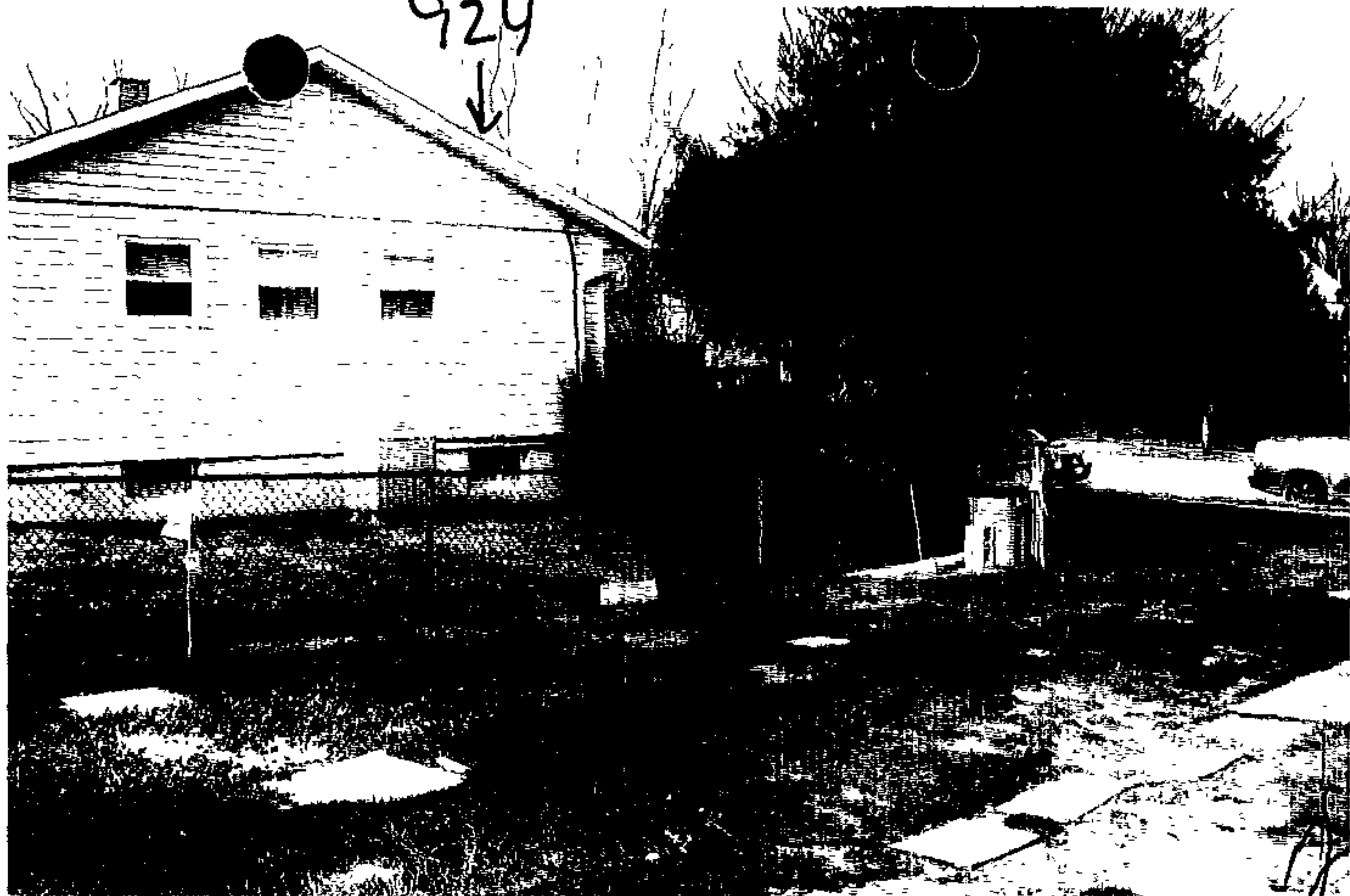
926



2A

926 Shirley Manor
Rd

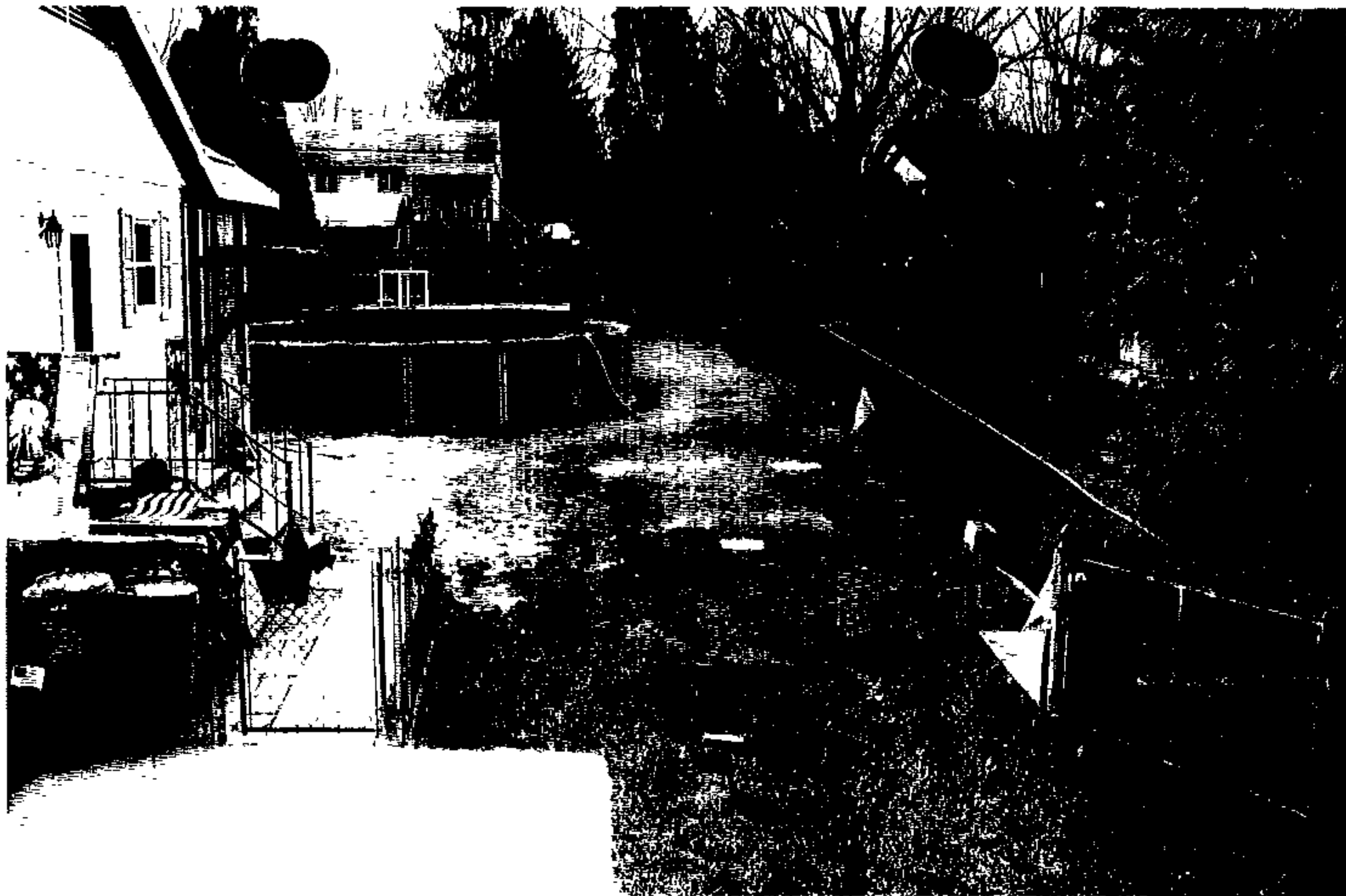
924
↓



926 Shirley Manor
Rd



926 Shirley Manor
Rd



SEE

126 Shirley Moor
Road