
BALTIMORE COUNTY, MARYLAND

I N T E R O F F I C E M E M O R A N D U M

TO: TIMOTHY KOTROCO, DIRECTOR, PDM, AND CARL RICHARDS,
ZONING SUPERVISOR

FROM: PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL:PMZ

SUBJECT: ZONING: DONNA MCCANN, 7221 BUCHER ROAD
DENIAL IN CASES 05-122-A, 05-123-A; WITHDRAWAL OF
PETITION IN CASE 05-675-SPH; ISSUANCE OF BUILDING PERMIT
IN CONFLICT WITH THESE CASES; IMPLEMENTATION AND
ENFORCEMENT ISSUES. ZONING OPINIONS ATTACHED

DATE: DECEMBER 19, 2005

This matter involves a property on Jones Creek in the Edgemere area. Because of the unusual zoning history and concerns, we are bringing it to your attention for appropriate action. I recently discussed the situation generally with Carl Richards. As a result of that conversation, I am following up with a more specific and detailed report on this matter, along with key documents in chronological order.

The property is described as Lot 21 in the original subdivision of Chesapeake Terrace, and the property is still taxed as one lot. (SDAT Printout attached). It has about 100 feet street frontage, and 94 feet water frontage. As reflected in the SDAT records, a house was constructed in 1961. The zoning classification is D.R. 5.5. Most of the residences in the area appear to have been developed on similarly wide lots.

The petitioner in the above zoning cases, Donna McCann, purchased the property on October 12, 2004. (See SDAT Printout). In apparent anticipation of the transfer, she had already filed on September 3, 2004 a request for variances in order to build a new house for in-laws, to be denominated as 7219. Case Nos. 5-122-A and 5-123-A.

At the hearing before Deputy Zoning Commissioner John V. Murphy, her consultant David Billingsley reported that there had been a subdivision by deed in 1947 and urged consideration of the property as consisting of two lots. But, under this scenario, each lot, existing and new, was undersized as to lot width in the D.R. 5.5 zone under the BCZR 1B02.3 standards. That was the reason for the request for variances. (The existing house also failed to meet the side yard setback standard on one side).

Petitioner did not convince DZC Murphy that the variances were warranted. Upon review of the record, he issued the attached findings of fact and conclusions of law on

November 1, 2004. He denied the variances, mainly because a new house would be out of character with the area. Petitioner did not appeal.

Despite the denial, Petitioner filed an application (attached) for a permit to construct the new house on February 3, 2005. The site plan, however, called the new house an addition, even though it is at least as large as the existing house. It also showed the residences in parallel configuration, with a connection between the two structures. It referred to the zoning variance cases 5-122-A and 5-123-A but omitted that the DZC denied the variances.

The PDM Department issued permit B582490 (attached) on April 28, 2005. It also refers to the above zoning cases without mentioning that the variances were denied. Perhaps the permit was issued based on the mistaken assumption that the variances were granted.

It may subsequently have come to light that there was no legal authority for the permit. On or about June 21, 2005, Ms. McCann filed a petition for special hearing in Case No. 5-675-SPH to try to justify the new construction. The site plan this time showed another configuration, with the houses staggered and the new residence still at least as large as the existing residence. She presented the argument that a connection between the two houses made it one residence with an "in-law apartment." If deemed one dwelling, the two-lot combination would not be undersized. The Zoning Commissioner heard this case. He noted that the second house had been built despite denial of the variances, but granted the petition in the (attached) September 2, 2005 opinion and order.

Our office appealed this Order to the County Board of Appeals because of our view that the new building is really a second house (as was the understanding of all parties when the original variance requests were filed and reviewed). The connection does not make a single house out of two. Moreover, the present use and certainly the eventual future use would realistically be for two houses.

The special hearing device here would circumvent the BCZR 1B02.3 standards for small lots and the variance requirements, which normally apply to deviation from these standards to build on undersized lots in the county's older subdivisions. Moreover, if the approval were left standing, it is reasonable to predict that in a few years, the "in laws" would no longer be there. Petitioner would then likely eliminate the connection and just sell the second house to a third party. Whether or not Petitioner would then file for the required variances or "special hearing to delete the in-law condition" is unpredictable. If she did, she would undoubtedly argue that the houses are there, and that it would be a hardship or difficulty to take one down. The net result would be that the initial denial of the variances would be manipulated, subverted, and undermined.

The attorney for the Petitioner, Deborah Dopkin, requested that our office withdraw the appeal. She suggested that Petitioner's request is appropriate and could even be approved "administratively" without a hearing. We disagreed, and the record reflects the necessity for a public hearing to review the proposal.

We looked forward to a hearing on the merits, and the opportunity to show the County Board of Appeals the reasons for rejection of the "special hearing" proposal. But that hearing was not to be. After we informed Petitioner's attorney that the case would have to be tried, Petitioner elected shortly thereafter to withdraw her petition in the (attached) letter dated November 3, 2005. A copy of the CBA Order dated November 14, 2005 is also attached.

As a result, the second house now stands as built despite denial of the variances and withdrawal of the special hearing petition. Without a proper zoning variance or other zoning order by the Zoning Commissioner or Deputy Zoning Commissioner (or County Board of Appeals or court), there does not appear to be any legal justification for the second house. It is also disturbing that a permit was obtained for the second house in the face of a variance denial and in advance of a request for special hearing. It disrespects and undermines the process if a petitioner can go ahead and build in the face of denials and/or withdrawals.

As a follow-up to our participation in these cases, we are bringing this matter to your attention. Kindly let us know your views on this matter: how it came to pass that a permit was issued on April 28, 2005 for the second house in the wake of denial of the November 1, 2004 denial of the variances; how, in any event, shall the law appropriately be implemented now that, on top of the variance denials, there has been a withdrawal of the petition for special hearing; and what enforcement action will be most effective to correct the situation and assure compliance with zoning law? Thank you for your attention.

PMZ/rmw

cc: William Wiseman, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner

IN THE MATTER OF
THE APPLICATION OF
DONNA M. McCANN -LEGAL OWNER /
PETITIONER FOR SPECIAL HEARING ON
PROPERTY LOCATED ON THE SE/S
BUCHER ROAD, 107' S OF THE C/L OF
HUGHES AVENUE (7221 BUCHER RD)

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 05-675-SPH

* * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from the Zoning Commissioner's September 2, 2005 decision in which the subject Petition for Special Hearing was granted with restrictions.

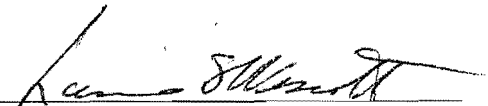
WHEREAS, the Board is in receipt of a letter of withdrawal of Petition filed November 4, 2005 by Deborah C. Dopkin, Esquire, Counsel for Petitioner (a copy of which is attached hereto and made a part hereof); and

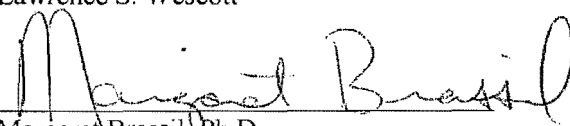
WHEREAS, said Counsel for Petitioner requests that the Petition for Special Hearing filed in the above-referenced matter be withdrawn and dismissed as of November 4, 2005,

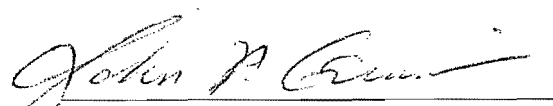
IT IS THEREFORE this 14th day of November, 2005, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. 05-675-SPH be and is hereby **WITHDRAWN AND DISMISSED**, rendering moot the appeal filed in this matter, and that the Zoning Commissioner's Order of September 2, 2005, including any and all relief granted to Petitioner therein, is rendered **null and void**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott


Margaret Brassil, Ph.D.

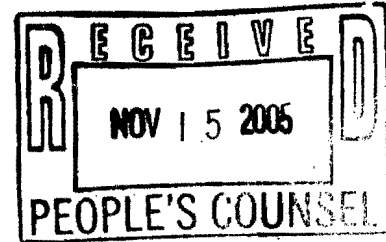

John P. Quinn



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

November 14, 2005



Deborah C. Dopkin, Esquire
1000 Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Donna M. McCann* – Legal Owner / Petitioner
Case No. 05-675-SPH/Order of Dismissal of Petition

Dear Mr. Dopkin:

Enclosed please find a copy of the Order of Dismissal of Petition issued this date by the County Board of Appeals of Baltimore County in the above-captioned matter in which the subject Petitions have been withdrawn and dismissed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Donna McCann
Office of People's Counsel
Mr. & Mrs. Floyd D. Perkins
David Billingsley
Chesapeake Bay Critical Areas Commission
David A. Carroll, Director /DEPRM
Pat Keller, Planning Director
Development Plans Review /PDM
Timothy M. Kotroco, Director /PDM



Case No. 05-675-SPH

RE: Donna M. McCann - Petitioner
7221 Bucher Road 15th E; 7th C

11/04/05 – Letter withdrawing Petition filed by Deborah Dopkin, Esquire, counsel for Ms. McCann; Order of Dismissal of
Petition to be issued by the Board.

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

November 3, 2005

RECEIVED
NOV - 4 2005
**BALTIMORE COUNTY
BOARD OF APPEALS**

Kathleen C. Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

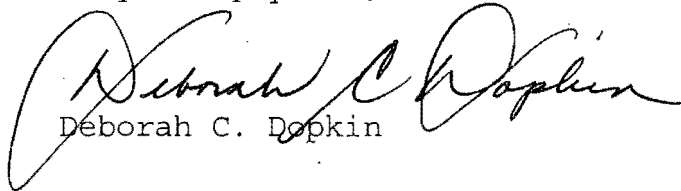
RE: 7221 Bucher Road
Case No. 05-657-SPH
(L75)

Dear Ms. Bianco:

This office represents Donna McCann, the petitioner in the above captioned case, which was decided by the Zoning Commissioner for Baltimore County on September 2, 2005. An appeal was noted by People's Counsel on September 16, 2005. This letter is to advise you that the petitioner has elected to withdraw her petition and end these proceedings. Please note your docket accordingly.

Thank you in advance for your attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: Mrs. Donna McCann
People's Counsel for Baltimore County
Mr. Carl Richards

PMZ

DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW

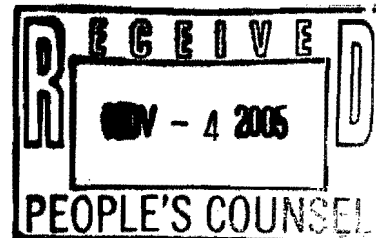
409 WASHINGTON AVENUE, SUITE 1000

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200

FACSIMILE 410-823-8509

e-mail ddopkin@dopkinlaw.com



DEBORAH C. DOPKIN

November 3, 2005

Kathleen C. Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: 7221 Bucher Road
Case No. 05-657-SPH

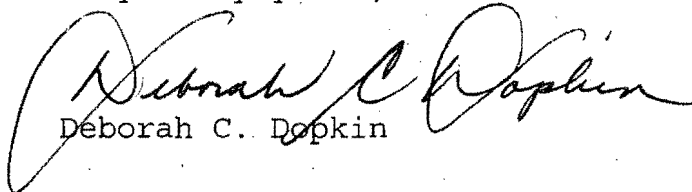
675

Dear Ms. Bianco:

This office represents Donna McCann, the petitioner in the above captioned case, which was decided by the Zoning Commissioner for Baltimore County on September 2, 2005. An appeal was noted by People's Counsel on September 16, 2005. This letter is to advise you that the petitioner has elected to withdraw her petition and end these proceedings. Please note your docket accordingly.

Thank you in advance for your attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: Mrs. Donna McCann
People's Counsel for Baltimore County
Mr. Carl Richards



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

September 16, 2005

CAROLE S. DEMILIO
Deputy People's Counsel

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
SE/S Bucher Road, 107' S of the c/l Hughes Avenue
(7221 Bucher Road)
15th Election District; 7th Council District
Donna M. McCann- Petitioners
Case No.: 05-675-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated September 2, 2005 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

RECEIVED

SEP 16 2005

Per.....*Jim*.....

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Deborah C. Dopkin, Esquire
County Board of Appeals

40 712
9-13-05

IN RE: PETITION FOR SPECIAL HEARING
SE/S Bucher Road, 107' S of the c/l
Hughes Avenue
(7221 Bucher Road)
15th Election District
7th Council District

Donna M. McCann
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-675-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Donna M. McCann, through her attorney, Deborah C. Dopkin, Esquire. The Petitioner requests a special hearing to approve the use of an existing dwelling (7221 Bucher Road) as an in-law apartment, accessory to a principal residence to be constructed on an adjacent lot (7219 Bucher Road). 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 were Donna McCann, property owner, her husband, Graham C. McCann, and her parents, Floyd and Marie Perkins, the intended occupants of the proposed in-law apartment. Also appearing was David Billingsley, the consultant who prepared the site plan for this property, and Deborah C. Dopkin, Esquire attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront parcel located with frontage on Jones Creek and the southeast side of Bucher Road in Edgemere. The property is also known as Lot 211 of Chesapeake Terrace, an older subdivision, which was recorded in the Land Records of Baltimore County in 1940, well prior to the first set of zoning regulations in the County. By virtue of a subdivision in March 1947, the property was divided into two, 45-foot wide lots, which vary in depth from 218 to 245 feet.

Collectively, the property contains a gross area of 0.485 acres, more or less, zoned D.R.5.5, and is approximately 100 feet wide along Bucher Road and 94 feet along the water. Each lot has been developed with a single-family dwelling. The dwelling on the property known as 7221 Bucher Road was constructed in 1961; however, the dwelling on the immediately adjacent lot (7219 Bucher Road), was recently constructed and is part and parcel to the relief requested in this case. The Petitioner purchased the property in October 2004 with the intention of moving her parents into the existing dwelling and residing in the newly constructed dwelling. However, due to the narrow width of the two lots and the location of the existing dwelling, the Petitioner sought zoning relief under prior Cases Nos. 05-122-A and 05-123-A to legitimize existing conditions and allow construction of the new house on the then vacant lot. Those cases were heard contemporaneously by Deputy Zoning Commissioner John V. Murphy. For the reasons set forth in his opinion, dated November 1, 2004, Deputy Commissioner Murphy denied the Petitioner's request. Essentially, he found that the proposed house would be out of character with the neighborhood in that most of the houses in the community appear to have been built on "double" lots. Ultimately, the Petitioner obtained a building permit for the dwelling, which is now under construction, and the Petitioner was advised to file the instant Petition to justify the situation. In this regard, the Petitioner proposes constructing a breezeway between the two dwellings thereby connecting the two structures and creating an "in-law" use of the existing dwelling. It is also to be noted that the Petitioner recently applied for a building permit to construct two covered decks to the new residence. Since the original site plan filed for this case did not show the decks, the Petitioner was advised that a final permit for same would not be issued until I as Zoning Commissioner concurred with the existing and proposed improvements on the subject property and proposed use.

On behalf of the Petitioner, Mr. Billingsley testified that the subject property has existed as a separate lot of record from the property at 7219 Bucher Road since its subdivision by deed dated March 19, 1947 and recorded among the Land Records of Baltimore County in Liber 1519, Folio 228. Prior to the new construction, the property at 7219 Bucher Road has never been improved in any way and has never been used in connection with the subject property. There have

been no accessory buildings, uses, driveways, equipment, gardens, or any affirmative use of the property that would evidence an intention to combine the lots for use as one parcel. Thus, I find that there has been no "merger" of the two properties and that the two properties have existed as separate lots of record since 1947.

Mr. Billingsley further testified that the existing dwelling (7221 Bucher Road) is a one-story, brick and siding rancher, which interior layout provides easy access for the Petitioner's parents. He pointed out that the house conformed with the zoning regulations in effect at the time it was built, though the eastern (internal) side yard setback of 8 feet is nonconforming under today's regulations which would require a minimum 10-foot setback. He further noted that each lot is adequate to support the area and density requirements of Section 1B02.3.C.1 of the B.C.Z.R., but for the interior side yard setback for the new dwelling at 7221 Bucher Road. He described the area and submitted photographs showing other homes in the neighborhood. It is evidenced that the area consists of a variety of homes and house types, and that the improvements on the subject and adjacent lot are consistent with the neighborhood. Mr. Billingsley also presented the title history of the property and testified that the proposed relief would not violate the standards set forth in Section 502.1 of the B.C.Z.R.

Mr. Billingsley submitted an amended site plan and photographs of the property depicting the two houses and the addition of the two decks to the new residence. In this regard, I find that building permit No. B599691 for the construction of two covered decks should be released. Further, I find that each lot, although narrow in width, can be developed with a single-family dwelling, each containing its own cooking facilities and gas/electric meter. The relief requested is to allow the existing residence to remain on the property and to be used as an "in-law" residence for the Petitioner's parents. The Petitioner understands and agrees that the "in-law" use shall be limited to immediate family members, only. Moreover, I find that the use can remain without the need for a connection between the two homes. Ms. McCann indicated that while her father suffers from a chronic condition that requires dialysis three times a week, her mother remains in relatively good health and wishes to maintain their privacy and independence while still

living in close proximity to their daughter, if they should need her help. Ms. McCann testified that her daughter is a registered nurse and lives in the same community. At some time in the future when her parents no longer reside in the house, the Petitioner would like to have her daughter move to the property. The McCann's, like a number of other families in this part of the County, wish to have multiple generations of a single-family reside in close proximity to one another.

In support of the request, the Petitioner argued that Deputy Commissioner Murphy found that the lots in question are unique in that they were created well before the adoption of zoning regulations in Baltimore County and that the proposed improvements would be compatible with the neighborhood.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. The fact that this subdivision was platted and recorded many years ago, well prior to the adoption of the B.C.Z.R., is a persuasive factor. The subject property is comprised of two separate lots of record, both of which meet the minimum area requirements of 6,000 sq. ft. under the D.R.5.5 zoning regulations, and may be used to support individual dwellings. As noted above, the existing dwelling at 7221 Bucher Road has existed at this location, in conformity with the regulations in effect at the time and under which it was built, such that there is insufficient land for the adjoining property at 7219 Bucher Road to conform to current setback requirements. Thus, I find that the D.R. zoning impacts these properties differently from other properties in the area and renders these lots unique. I also find that strict compliance with the zoning regulations will impose an unreasonable hardship and practical difficulty upon the Petitioner. In my view, the relief requested can be granted within the spirit and intent of the regulations as homes are allowed by right in the D.R.5.5 zone. Finally, I find that the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale as the pattern of development at least along the waterfront is one house on each lot. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one voiced any opposition to the proposal. Thus, I find that the relief requested can be granted and meets the spirit and intent of Section 307 for relief to be granted. However, given the property's waterfront

location adjacent to Jones Creek, the proposed development must comply with Chesapeake Bay Critical Areas and Federal Flood insurance requirements, as noted in the attached Zoning Advisory Committee (ZAC) comments from the Department of Environmental Protection and Resource Management (DEPRM) and Development Plans Review.

Pursuant to the advertisement, posting of the property(s) and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of September 2005 that the Petition for Special Hearing to approve the use of an existing dwelling (7221 Bucher Road) as an in-law apartment, accessory to a principal residence to be constructed on an adjacent lot (7219 Bucher Road), in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restrictions:

- 1) 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 "accessory in-law apartment" granted herein is limited to use by immediate family members, only, and cannot be used as a separate dwelling unit.
- 3) The Petitioner shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to the subject properties at 7219 and 7221 Bucher Road to insure compliance with this Order.
- 4) Within ninety (90) days of the date hereof, the Petitioner shall record in the Land Records of Baltimore County a covenant to the deed for the property at 7221 Bucher Road restricting its use as an "accessory in-law apartment" to immediate family members, only, and no others. Said covenant shall contain the proviso that such use shall terminate at such time as family members no longer reside on the property or the subject property is sold and no future purchaser shall maintain the "accessory in-law apartment" without a subsequent special hearing. A copy of the recorded covenant shall be submitted to the Department of Permits and Development Management for inclusion in the case file.
- 5) Compliance with the ZAC comments submitted by DEPRM and the

Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments, dated August 3, 2005 and July 5, 2005, respectively, have been attached hereto and made a part hereof.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

Zoning Commissioner

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

**Baltimore County**

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

September 2, 2005

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 1000
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SE/S Bucher Road, 107' S of the c/l Hughes Avenue
(7219 & 7221 Bucher Road)
15th Election District – 7th Council District
Donna M. McCann - Petitioner
Case No. 05-675-SPH

Dear Ms. Dopkin:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "W. J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III

Zoning Commissioner

WJW:bjs

for Baltimore County

cc: Ms. Donna M. McCann, 3016 Cedarcrest Avenue, Baltimore, Md. 21219
Mr. & Mrs. Floyd D. Perkins, 945 Elton Avenue, Baltimore, Md. 21224
Mr. David Billingsley, Central Drafting, 601 Charwood Court, Edgewood, Md. 21040
Chesapeake Bay Critical Areas Commission, 1804 West Street, Suite 100,
Annapolis, Md. 21401
DEPRM; Development Plans Review, DPDM; People's Counsel; Case File

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



Printed on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7221 Bucher Road
which is presently zoned DR 5.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attached

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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:

Deborah C. Dopkin, Esquire

Name - Type or Print

City

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Ave., #1000 (410-821-0200)

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

Legal Owner(s):

Donna M. McCann

Name - Type or Print

Signature

Name - Type or Print

Signature

3016 Cedarcrest Avenue (443-677-4867)

Address

Telephone No.

Baltimore, Maryland 21219

State

Zip Code

Representative to be Contacted:

Deborah C. Dopkin, Esquire

Name

409 Washington Avenue, #1000 (410-821-0200)

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM

Date

6/21/05

Case No. 05-675-SPH

McCann Property
7221 Bucher Road

Petition for Special Hearing

To approve the use of and existing dwelling as an in-law apartment as accessory to a principal residence, to be constructed *on an adjacent lot.* *PCW*

675

**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*

August 1, 2005

Deborah C. Dopkin, Esquire
409 Washington Avenue, # 1000
Towson, Maryland 21204

Dear Ms. Dopkin:

RE: Case Number: 05-675-SPH, 7221 Bucher Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 21, 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 style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Donna M. McCann 3016 Cedarcrest Avenue Baltimore 21219

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

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



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

Date: 6.27.05

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

RE: Baltimore County
Item No. 675 LTM

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

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

June 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 20, 2005

Item No.: 621, 662-666, 668-678

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.

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

Lt J.D.Mezick
Fire Marshal's Office
410-887-5178
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 30, 2005
Item No. 675

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.

The flood protection elevation for this site is 10.4.

In conformance with *Federal Flood insurance* Requirements, the first floor or basement floor must be at least 1-foot above the flood plain elevation in all construction.

The property to be developed is located to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 675-07052005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 7, 2005

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-675-Special Hearing

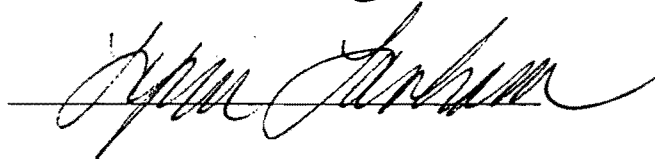
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

430
8/11

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: Bruce Seeley
DATE: August 3, 2005

RECEIVED

AUG - 3 2005

SUBJECT: Zoning Item # 675
Address 7221 Bucher Rd
McCann Prop

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of 6-20-05

☒ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

☐ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

☐ Development of this property must comply with the Forest Conservation Regulations (Section 33-6-101 through 33-6-122 of the Baltimore County Code).

☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Patricia Farr 

Date: August 3, 2005

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7221 Bucher Road; SE/side Bucher Road, * ZONING COMMISSIONER
107' S c/line Hughes Avenue * FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Donna M. McCann *
Petitioner(s) * 05-675-SPH

* * * * *

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 27th day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

JUN 27 2005

Per. *kl*

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

7-221. Bucher Road

- ① Was the 1947 "subdivision" by deed valid -
(this is an issue in the Bissell case, where the deed was recorded in 1958) - the B.C. Planning Commission was established in 1945
- ② If a valid "subdivision" would they not have to go through the subdivision process to "merge" - B.C. 32-4-101 (p.) (3) -
"subdivision" ^{definition} includes combining lots as well as dividing
- ③ at the least, according to my conversation with Carl Richards, an on law apt via an addition to the residence requires a Petition for S.H. + hearing
- ④ if one lot, only one density unit permitted under the zoning; an "in law" apt is a temporary accessory use subordinate to principal use in all ways i.e. use, size
- ⑤ if 2 lots as they claim, there is no authority to ~~merge~~ connect w/o merging or combining under 32-4-101 above; otherwise they need variance for 2 houses on 2 lots that ~~are~~ do not need setbacks etc.

45 E12

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 2.3.05

OEA: EDK/ART
HISTORIC DISTRICT/BLDG.

PERMIT #: B582490
RECEIPT #: 1512689
CONTROL #: NR
XREF #:

PROPERTY ADDRESS 7221 BLICHER RD. ☐ YES ☒ NO
SUITE/SPACE/FLOOR
SUBDIV: CHESAPEAKE TERRACE ☐ DO NOT KNOW
TAX ACCOUNT #: 240006282.83 DISTRICT/PRECINCT
OWNER'S INFORMATION (LAST, FIRST)
NAME: MCCANN, DONNA M
ADDR: 3016 CEDARCREST AVE
BALTO MD 21219

FEE: 1795
PAID:
PAID BY:
INSPECTOR:

APPLICANT INFORMATION

NAME: D BILLINGSLEY
COMPANY:
STREET: 601 CHARWOOD CT
CITY, ST, ZIP: BALTIMORE MD 21040
PHONE #: 410 639-8719 MHIC # 171737 MHBR # 3120
APPLICANT: D Billingsley DR#
SIGNATURE: D Billingsley EL 1 PL 1
PLANS: CONST 2 PLOT 7 PLAT 0 DATA 0
TENANT
CONTR: YOUR DREAM HOMES, INC
ENGR:
SELER: V. B. SCAGLIONE

DOES THIS BLDG.
HAVE SPRINKLERS
YES ☐ NO ☐

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

TYPE OF IMPROVEMENT

1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

TYPE OF USE

RESIDENTIAL

01. ☒ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. ☐ SWIMMING POOL
06. ☐ GARAGE
07. ☐ OTHER

TYPE FOUNDATION

1. ☐ SLAB
2. ☐ BLOCK
3. ☒ CONCRETE

BASEMENT

1. ☒ FULL
2. ☐ PARTIAL
3. ☐ NONE

NON-RESIDENTIAL

08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH HEIGHT) 27'6" x 18' x 29'
11. ☐ INDUSTRIAL, STORAGE BUILDING
12. ☐ PARKING GARAGE
13. ☐ SERVICE STATION, REPAIR GARAGE
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ☐ SIGN
19. ☐ STORE MERCANTILE RESTAURANT
20. ☐ SWIMMING POOL
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ☐ OTHER

DESCRIBE PROPOSED WORK: CONST. STATE APPROVED
FOUNDATION FOR E. ERECT STATE APPROVED
INDUSTRIALIZED DWELLING ATTACHED BY
FUNCTIONAL FREEWAY; SEE B582488. EX. KITCHEN TO
BE REMOVED. IBCA. FLOOD ZONE B ELEV. PER
FROM EX. SFD.

TYPE OF CONSTRUCTION

1. ☐ MASONRY
2. ☒ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☒ GAS 3. ☐ ELECTRICITY
2. ☐ OIL 4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☒ PUBLIC SEWER ☒ EXISTS ☐ PROPOSED
2. ☐ PRIVATE SYSTEM
SEPTIC ☐ EXISTS ☐ PROPOSED
PRIVY ☐ EXISTS ☐ PROPOSED

CENTRAL AIR: 1.

ESTIMATED COST: \$150,000
OF MATERIALS AND LABOR

PROPOSED USE:

EXISTING USE: SFD (REMOVE EX. KITCHEN)

OWNERSHIP

1. ☒ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED 3. ☐ SALE 4. ☐ RENTAL

RESIDENTIAL CATEGORY:

1. ☐ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. ☐ HIGHRISE

GARBAGE DISPOSAL 1.

POWDER ROOMS 1

BATHROOMS

KITCHENS 7

CLASS

LIBER

FOLIO

APPROVAL SIGNATURES

DATE

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 3500 SIZE 22 320
WIDTH 27'6" FRONT STREET
DEPTH 48' SIDE STREET
HEIGHT 29' FRONT SETBK 137
STORIES 21 BSMT. SIDE SETBK 10' 10'
LOT # 3 SIDE STR SETBK
CORNER LOT REAR SETBK 32
1. ☐ YLL 2. ☒ N ZONING DR 3.5

BLD INSP: 2.3.05
BLD PLAN: 2.3.05
FIRE: 2.3.05
SEDI CTL: 2.3.05
ZONING: 2.3.05
PUB SERV: 2.3.05
ENVRMNT: 2.3.05
PERMITS: 2.3.05

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND NO PERMIT FEES REFUNDED

SUM/WR 4.28.05

APPLICATION FOR BUILDING PERMIT

PERMIT #: B582488 CONTROL #: MR DIST: 15 PREC: 01

LOCATION: 7221 BUCHER RD
SUBDIVISION: CHESAPEAKE TERRACE
TAX ASSESSMENT #: 2400006282

OWNERS INFORMATION

NAME: MCCANN, DONNA M
ADDR: 3016 CEDARCREST AVE, BALTO MD 21219

APPLICANT INFORMATION

NAME: D BILLINGSLEY
COMPANY:
ADDR1: 601 CHARWOOD CT
ADDR2: EDGEWOOD, MD 21040
PHONE #: 410-679-8719 LICENSE #: MHBR#3120

NOTES

EDW/AKT

DRC#

PLANS: CONST PLOT 2 R PLAT DATA ELEC YES PLUM NO

TENANT:

CONTR: YOUR DREAM HOME, INC

ENGR:

SELLR: SCAGLIONE, VIRGINIA

WORK: CONSTR. WOOD FRAME COVERED BREEZEWAY ON SIDE OF
EX. SFD, TO ATTACH TO NEW MODULAR ADDITION; SEE
B582490 FOR MODULAR ADD 'N; 16' X 15' = 240SF; ALSO
USING TAX# 2400006283, CBCA, FLOOD ZONE: B, ELV: 10.5
PER VARIANCE CASE NO. 05-122-1-A; EX. KITCHEN TO
BE REMOVED

PROPOSED USE: SFD & ADDITION

EXISTING USE: SFD

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR: 5000.00

TYPE OF IMPRV: ADDITION

USE:

FOUNDATION: CONCRETE

BASEMENT: FULL

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

CONSTRUCTION: WOOD FRAME

FUEL:

CENTRAL AIR:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

APPLICATION FOR BUILDING PERMIT

PERMIT #: B599691 CONTROL #: MR DIST: 15 PREC: 01

LOCATION: 7221 BUCHER RD
SUBDIVISION: CHESAPEAKE TERRACE
TAX ASSESSMENT #: 2400006282

OWNERS INFORMATION
NAME: MCCANN, DONNA
ADDR: 3016 CEDARCREST AVE., 21219

APPLICANT INFORMATION
NAME: D. BILLINGSLEY
COMPANY:
ADDR1: 601 CHARWOOD CT
ADDR2: EDGEWOOD, MD 21040
PHONE #: 410-679-8319 LICENSE #:

NOTES
AKT/VLC

DRC#
PLANS: CONST 00 PLOT 4 R PLAT 0 DATA 0 ELEC NO PLUM NO
TENANT:
CONTR: OWNER
ENGR:
SELLR:
WORK: CONSTRUCT COV'D DECK ON FRONT OF SFD
27.5'X8'X15'=220SF AND COVERED DECK ON REAR
OF 13'9"X12'X16'=165SF. IN CBCA. REFER TO
B582490FOR NR. REFER TO CASE #05-675-SPH.

PROPOSED USE: SFD AND DECKS
EXISTING USE: SFD UNDER CONSTRUCTION-B582490

BLDG. CODE:
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 6500.00

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DIRECTOR

BUILDING PERMIT

John R. Reisinger
JOHN R. REISINGER
BUILDINGS ENGINEER

PERMIT #: B582490 CONTROL #: NR DIST: 15 PREC: Q1
 DATE ISSUED: 04/28/2005 TAX ACCOUNT #: 2400006282 CLASS: 34

PLANS: CONST 2 PLOT 7 R PLAT DATA ELEC YES PLUM YES
 LOCATION: 7221 BUCHER RD
 SUBDIVISION: CHESAPEAKE TERRACE.

OWNERS INFORMATION

NAME: MCCANN, DONNA M
 ADDR: 3016 CEDARCREST AVE, BALTO MD 21219

TENANT:

CONTR: YOUR DREAM HOMES, INC

ENGR:

SELLR: VIRGINIA SCAGLIONE

WORK: CONSTR. FOUNDATION FOR & ERECT STATE APPROVED
 INDUSTRIALIZED DWELLING ATTACHED BY BREEZEWAY;
 SEE B582488, EX KITCHEN TO BE FUNCTIONAL REMOVED
 FROM EX SFD; CECA FLOOD ZONE: B, ELEV. PER VARIANCE
 CASE NO. 05-122-A; 27'6X48'X29' = 3500SF, UNFIN. BSMT
 (NO DORMERS), 3 BEDRMS

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD

EXISTING USE: SFD (REMOVE EX. KITCHEN)

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE:

FOUNDATION: CONCRETE

BASEMENT: FULL

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 22520SF

FRONT STREET:

SIDE STREET:

FRONT SETB: 137

SIDE SETB: 10/10

SIDE STR SETB:

REAR SETB: 32

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

APPLICATION FOR BUILDING PERMIT

PERMIT #: B582491 CONTROL #: MR DIST: 08 PREC: 01

LOCATION: 505 CHADWICK RD
SUBDIVISION: WAKEFIELD
TAX ASSESSMENT #: 0819052840

OWNERS INFORMATION

NAME: IOANNOU THOMAS & CHRISTINE
ADDR: 505 CHADWICK RD. LUTHERVILLE, MD. 21093

APPLICANT INFORMATION

NAME: CHRISTINE IOANNOU
COMPANY:
ADDR1: 505 CHADWICK RD.
ADDR2: LUTHERVILLE, MD. 21093
PHONE #: 410-560-1251 LICENSE #:

NOTES
AKT/MR

DRC#

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CONST. 2 DORMERS 6X5 ON FRONT AND 1-SHED DORMER
41X9 ON REAR ON 2ND FLR OF EX. SFD TO MATCH EX.
ROOFLINE, OVERALL 429SF, ROUGH IN PLG+ELECT. FOR
BATHROOM. NO CHANGE IN SETBACKS PER APPLICANT.
CONST. DRAWINGS ON SITE FOR INSPECTOR-WAIVE
PLANS-MS.

PROPOSED USE: SFD AND ADD.
EXISTING USE: SFD

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 65,000.00

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION:

SEWAGE: PUBLIC EXIST

CONSTRUCTION: WOOD FRAME

CENTRAL AIR:

BASEMENT:

WATER: PUBLIC EXIST

FUEL:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B582491

DIMENSIONS - INSTALL FIXTURES

GARBAGE DISP: FLOOR: 429SF
POWDER ROOMS: WIDTH: 41
BATHROOMS: DEPTH: 9
KITCHENS: HEIGHT:
STORIES:

LOT NOS: 4
CORNER LOT: N

LOT SIZE AND SETBACKS
SIZE: 0.860 ACRE
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: NC

ZONING INFORMATION

DISTRICT: BLOCK: E
PETITION: SECTION:
DATE: LIBER: 002
MAP: FOLIO: 093
CLASS: 04

ASSESSMENTS

LAND: 0214400.00
IMPROVEMENTS: 0384330.00
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 02/03/2005 INSPECTOR INITIALS: OBR
FEE: \$65.00 PAID: \$65.00 RECEIPT #: A513150
PAID BY: APPLICANT

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT _____
OWNER _____

SIGNATURE OF APPLICANT

PHONE

APPLICATION FOR BUILDING PERMIT

PERMIT #: B600062 CONTROL #: TA DIST: 15 PREC: 01

LOCATION: 5709B ALLENDER RD
SUBDIVISION: 200FT SW STATION DR
TAX ASSESSMENT #: 2400001705

OWNERS INFORMATION

NAME: ANDREWS, LAURA
ADDR: 11515 CEDAR LANE KINGSILLE MD 21087-1620

APPLICANT INFORMATION

NAME: DEAN LEGEER
COMPANY: UNITED PROPANE
ADDR1: 205 NAJOLAS ROAD
ADDR2: MILLERSVILLE MD 21108
PHONE #: 410-987-9000 LICENSE #: M09058

NOTES

MR/TLM

DRC#

PLANS: CONST 00 PLOT 1 R PLAT 0 DATA 0 ELEC NO PLUM YES

TENANT:

CONTR: UNITED PROPANE

ENGR:

SELLR:

WORK: INSTALL 1-1000 GALLON UNDERGROUND PROPANE TANK
IN REAR YARD OF SFD UNDER CONSTRUCTION SEE
B570989; WILL COMPLY WITH NFPA58

PROPOSED USE: SFD & TANK

EXISTING USE: SFD UNDER CONST SEE NRFP B570989

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR: 4,500.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: OTHER - RESIDENTIAL

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

CONSTRUCTION:

FUEL:

CENTRAL AIR:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B600062

DIMENSIONS - INSTALL FIXTURES

GARBAGE DISP: FLOOR: 0
POWDER ROOMS: WIDTH:
BATHROOMS: DEPTH:
KITCHENS: HEIGHT:
STORIES:

LOT NOS: 3
CORNER LOT:

LOT SIZE AND SETBACKS

SIZE: 1.020AC
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 65' / 25'
SIDE STR SETB:
REAR SETB: 27'

ZONING INFORMATION

DISTRICT: BLOCK:
PETITION: SECTION:
DATE: LIBER: 000
MAP: FOLIO: 000
CLASS: 04

ASSESSMENTS

LAND: 0075160.00
IMPROVEMENTS: 0000000.00
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 07/25/2005 INSPECTOR INITIALS: 15R
FEE: \$20.00 PAID: \$20.00 RECEIPT #: A525406
PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT _____
OWNER _____

SIGNATURE OF APPLICANT

PHONE



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

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 15 Account Number - 2400006283

Owner Information

Owner Name: MCCANN DONNA M **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 3016 CEDARCREST AVE **Deed Reference:** 1) /20811/ 686
 BALTIMORE MD 21219-1204 2)

Location & Structure Information

Premises Address

7221 BUCHER RD

Legal Description

PRT LT 211
 7221 BUCHER RD
 CHESAPEAKE TERRACE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
111	16	128			B		211	3	Plat Ref: 5/ 36

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built
 1961

Enclosed Area
 1,200 SF

Property Land Area
 10,994.00 SF

County Use
 34

Stories
 1

Basement
 YES

Type
 STANDARD UNIT

Exterior
 BRICK

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	72,490	72,490		
Improvements:	73,230	73,230		
Total:	145,720	145,720	145,720	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: SCAGLIONE VIRGINIA	Date: 10/12/2004	Price: \$243,392
Type: NOT ARMS-LENGTH	Deed1: /20811/ 686	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information



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

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 15 Account Number - 2400006282

Owner Information

Owner Name: MCCANN DONNA M **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 3016 CEDARCREST AVE **Deed Reference:** 1) /20813/ 23
 BALTIMORE MD 21219-1204 2)

Location & Structure Information

Premises Address
 7221 BUCHER RD

Legal Description
 PRT LT 211
 SES BUCHER RD
 CHESAPEAKE TERRACE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
111	16	128			B		211	3	Plat Ref: 6/ 36

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built
 2005

Enclosed Area
 2,446 SF

Property Land Area
 11,526.00 SF

County Use
 34

Stories
 2

Basement
 YES

Type
 STANDARD UNIT

Exterior
 SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	72,630	72,630		
Improvements:	178,080	178,080		
Total:	250,710	250,710	250,710	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: SCAGLIONE VIRGINIA
Type: NOT ARMS-LENGTH

Date: 10/12/2004
Deed1: /20813/ 23

Price: \$216,609
Deed2:

Seller:
Type:

Date:
Deed1:

Price:
Deed2:

Seller:
Type:

Date:
Deed1:

Price:
Deed2:

Exemption Information



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

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 15 **Account Number -** 2400006282

Owner Information

Owner Name: MCCANN DONNA M **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 3016 CEDARCREST AVE **Deed Reference:** 1) /20813/ 23
 BALTIMORE MD 21219-1204 2)

Location & Structure Information

Premises Address

7221 BUCHER RD

Legal Description

PRT LT 211
 SES BUCHER RD
 CHESAPEAKE TERRACE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
111	16	128			B		211	3	Plat Ref: 6/ 36

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built
 2005

Enclosed Area
 2,446 SF

Property Land Area
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County Use
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Stories
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Basement
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Type
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Exterior
 SIDING

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Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: SCAGLIONE VIRGINIA	Date: 10/12/2004	Price: \$216,609
Type: NOT ARMS-LENGTH	Deed1: /20813/ 23	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

(INSPECTOR'S COPY)

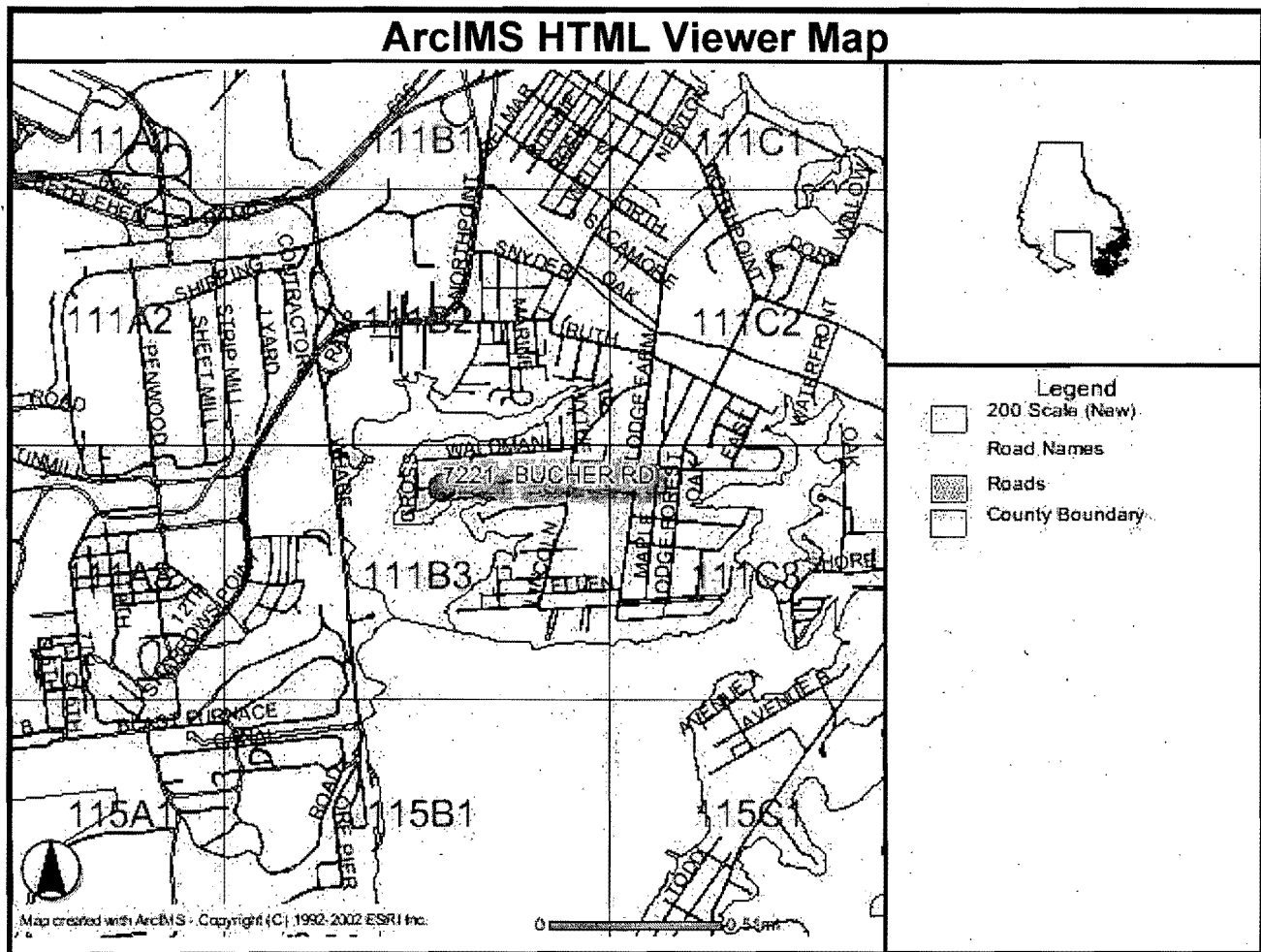
COMMENTS

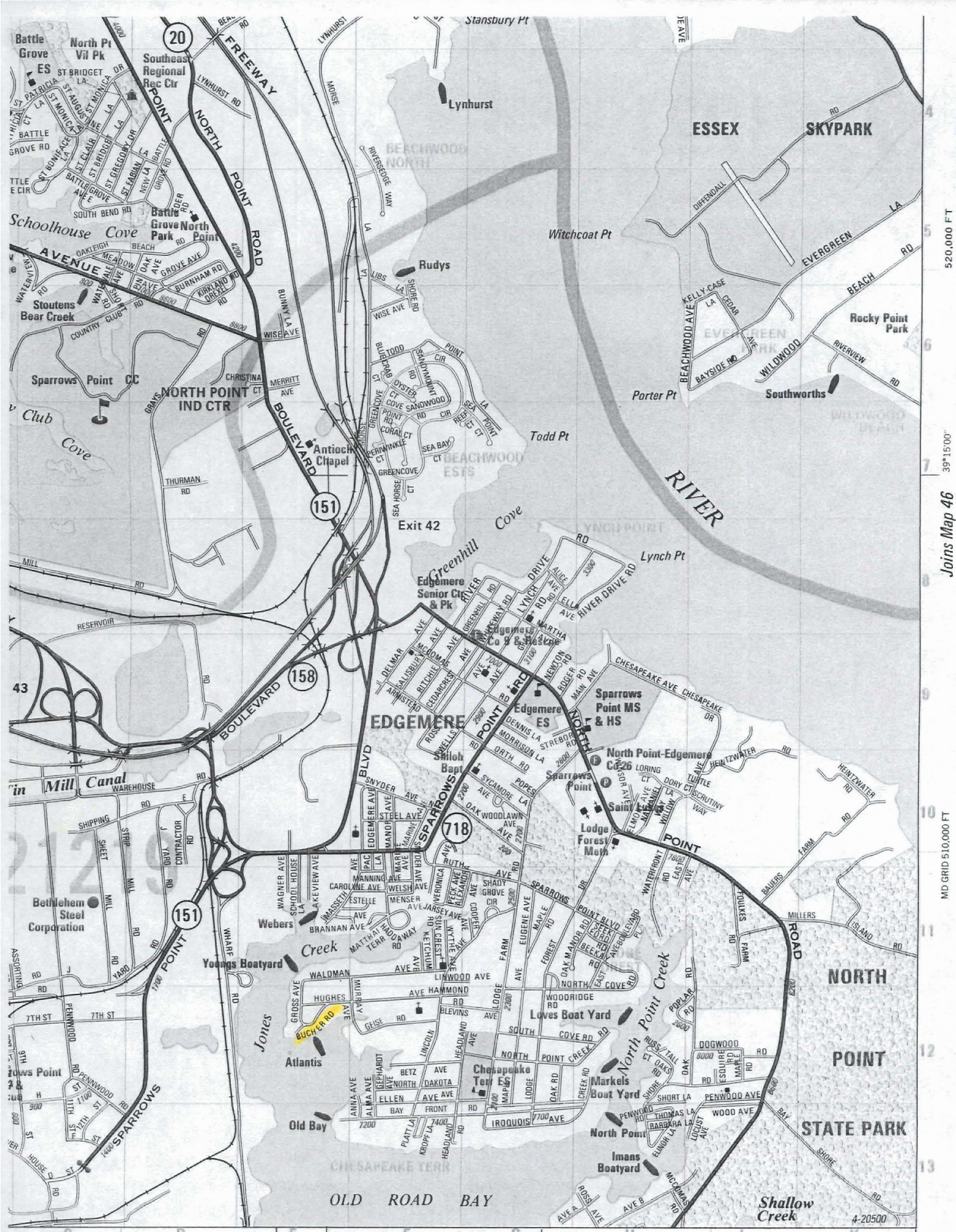
F.T.S.

FOUNDATION ①

50710

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.



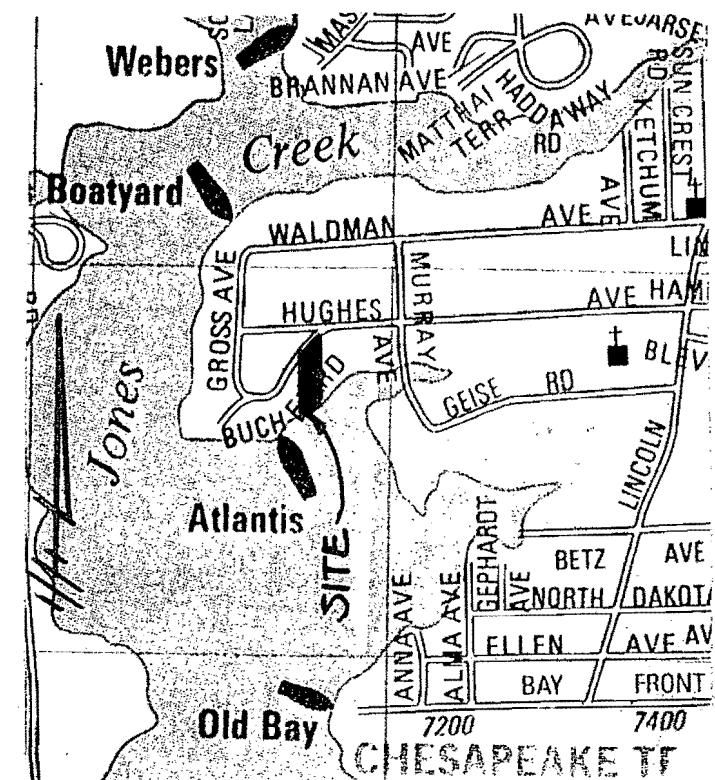
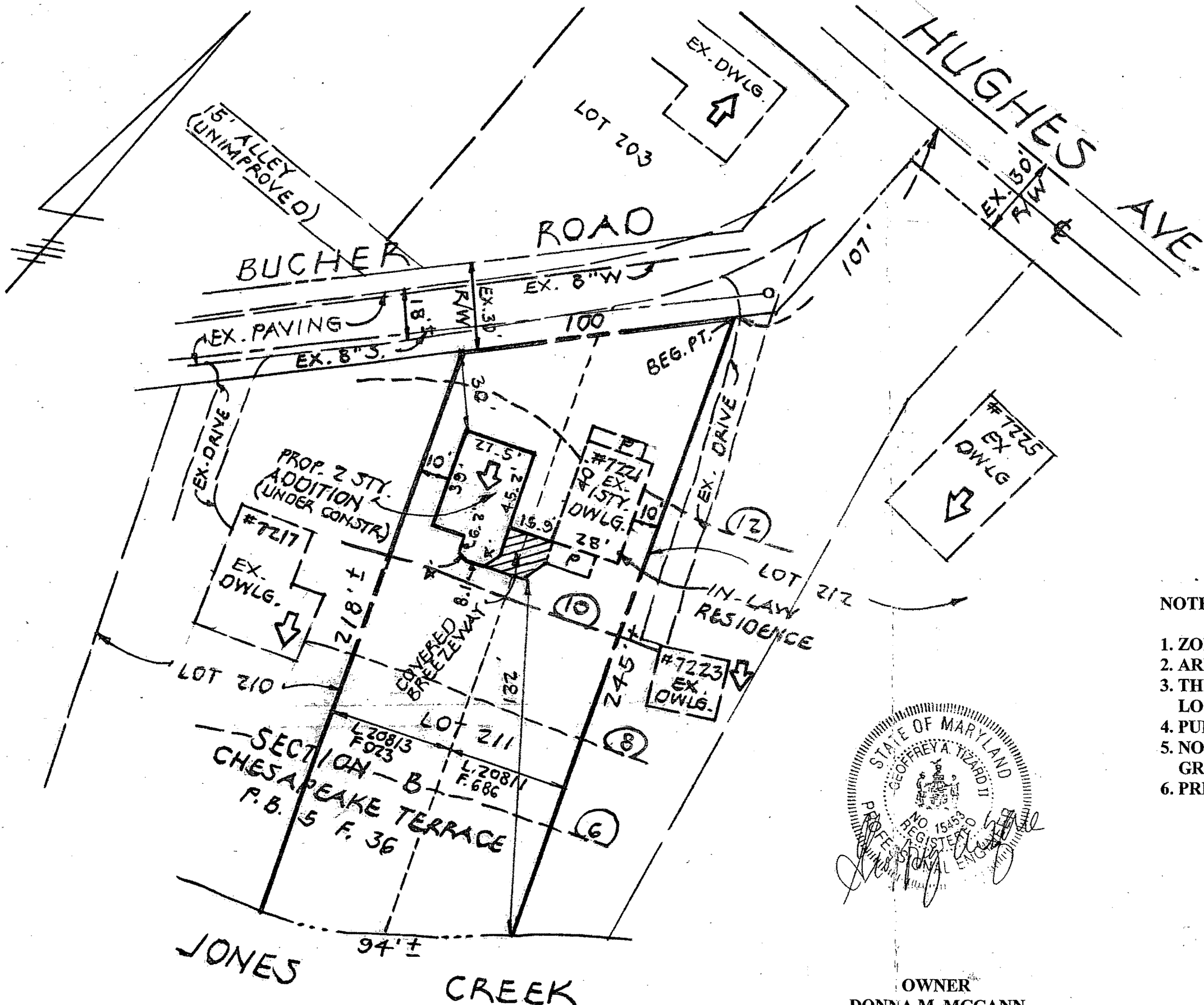


520,000 FT

39°15'00"

MD GRID 510,000 FT

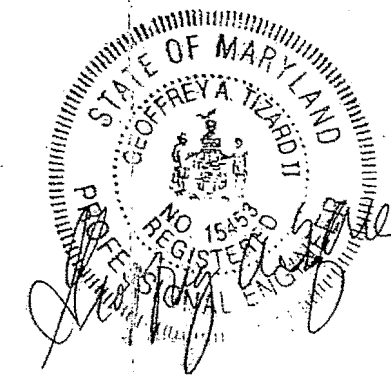
51



VICINITY MAP
SCALE: 1"=1000'

NOTES:

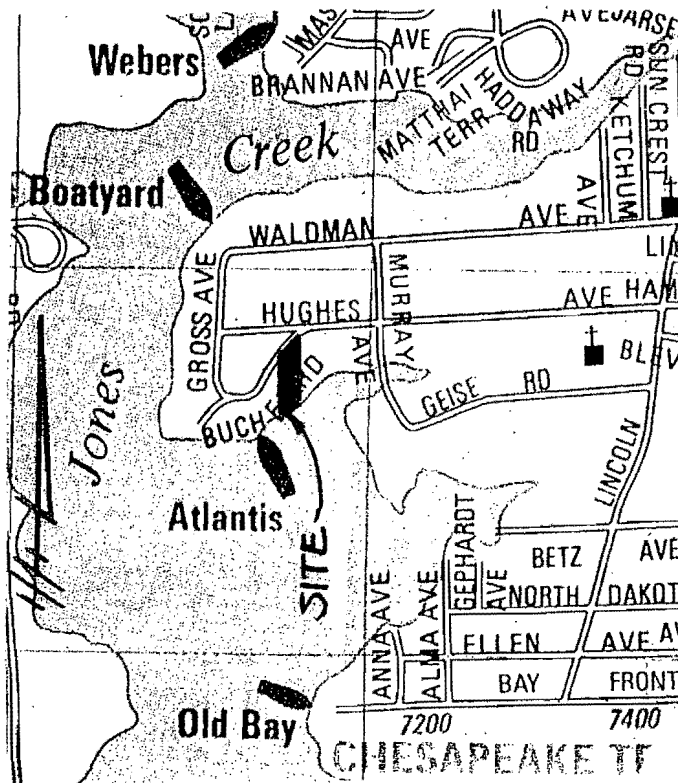
1. ZONING.....DR 5.5 (MAP 111B3)
2. AREA.....21,133 S.F. = 0.485 ACRE ±
3. THIS LOT IS LOCATED IN THE CBCA. A PORTION OF THIS LOT IS LOCATED IN FLOOD ZONE A. & A 100 YR. FLOOD PLAIN.
4. PUBLIC WATER AND SEWER EXIST.
5. NO HISTORIC BUILDINGS, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST
6. PREVIOUS ZONING HISTORY
SEE VARIANCE CASE NOS. 05-122-A AND 05-123-A



OWNER
DONNA M. MCCANN
3016 CEDARCREST AVENUE,
BALTIMORE, MD 21219
ACCT. NO. 2400006282 & 83

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING
7221 BUCHER ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MARYLAND
SCALE; 1 INCH = 40 FEET JUNE 3, 2005

HUGHES AVE.



VICINITY MAP
SCALE: 1"=1000'

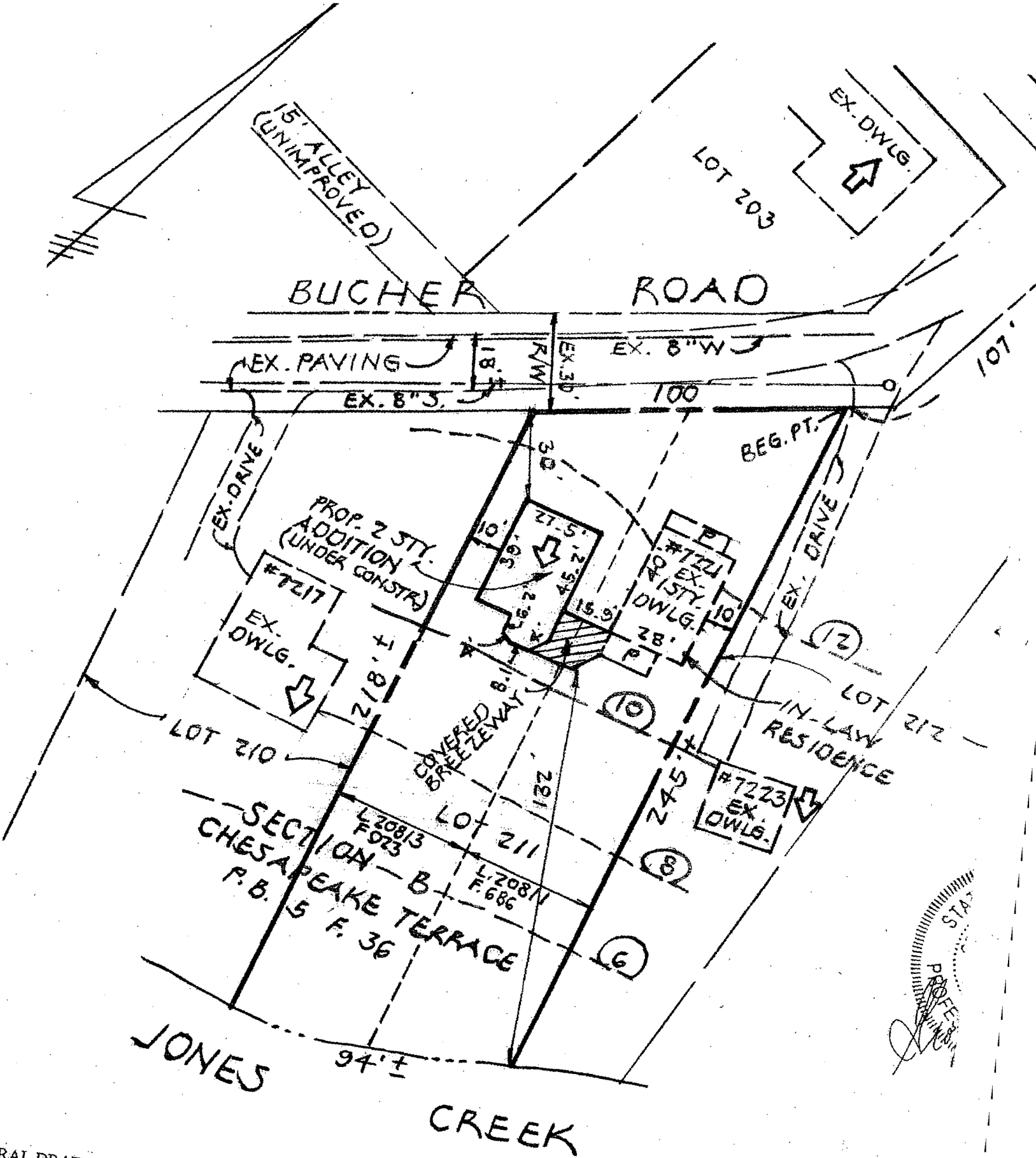
NOTES:

1. ZONING.....DR 5.5 (MAP 111B3)
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PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING
7221 BUCHER ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MARYLAND
SCALE; 1 INCH = 40 FEET JUNE 3, 2005

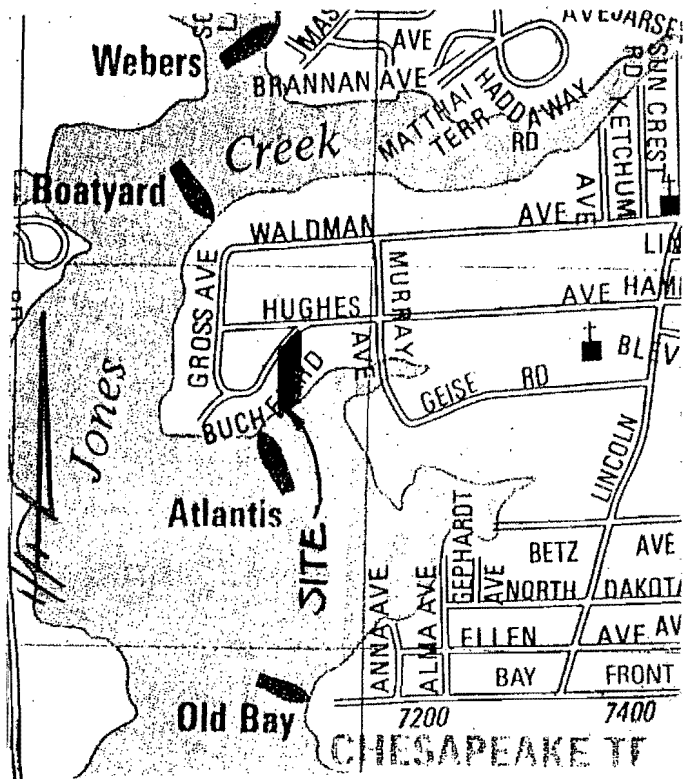
ER
ACCANN
EST AVENUE,
MD 21219
006282 & 83



HUGHES AVE.
EX 30' R/W

#7225
EX
DWLG
B

MARYLAND
NOTARY
PUBLIC
JUNE 3, 2005
ENG...



VICINITY MAP
SCALE: 1"=1000'

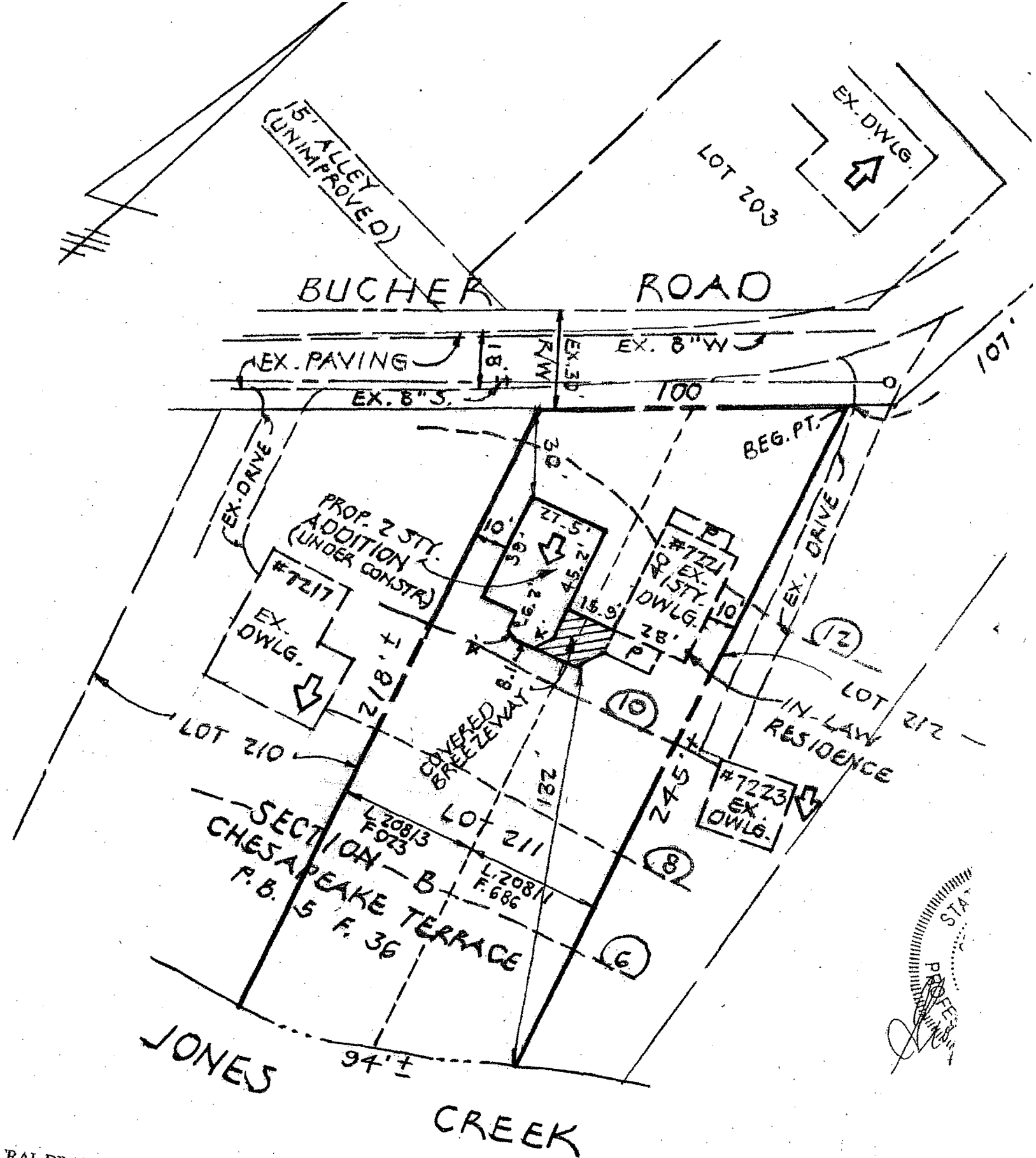
NOTES:

1. ZONING.....DR 5.5 (MAP 111B3)
2. AREA.....21,133 S.F. = 0.485 ACRE ±
3. THIS LOT IS LOCATED IN THE CBCA. A PORTION OF THIS LOT IS LOCATED IN FLOOD ZONE A. & A 100 YR. FLOOD PLAIN.
4. PUBLIC WATER AND SEWER EXIST.
5. NO HISTORIC BUILDINGS, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST
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SEE VARIANCE CASE NOS. 05-122-A AND 05-123-A

**PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING
7221 BUCHER ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MARYLAND
SCALE; 1 INCH = 40 FEET JUNE 3, 2005**

ER
ACCANN
EST AVENUE,
MD 21219
1006282 & 83



RAL DRAFTING & DESIGN, INC.
 FARWOOD COURT
 WOOD, MD 21040
 79-8719

DON
 3016 CED.
 BALTI
 ACCT. N





Plan Sheet: 111B3

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

110C2	111A2	111B2	111C2	112A2
110C3	111A3	111B3	111C3	112A3
114C1	115A1	115B1	115C1	116A1

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

RE: PETITION FOR VARIANCE

SE/S of Bucher Road, 142 ft. +/- SW
centerline of Hughes Avenue
5th Election District
7th Councilmanic District
(7219 and 7221 Bucher Road)

Donna McCann
Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-122-A & CASE NO. 05-123-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case No. 05-122-A comes before this Deputy Zoning Commissioner as a Petition for approval of an undersized lot filed by the legal owner of the subject property, Donna McCann. The property is located at 7219 Bucher Road in the eastern area of Baltimore County. The variance is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 8 ft. and 9 ft. in lieu of the required 10 ft., and to allow a lot width of 45 ft. in lieu of the required 55 ft. for a dwelling on an undersized lot.

Case No. 05-123-A is a companion case also filed for approval of a variance for the existing house located at 7221 Bucher Road adjacent to the vacant lot at 7219 Bucher Road. Again, the variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 8 ft. and 9 ft. in lieu of the required 10 ft. The subject properties and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance which is applicable to both cases..

The properties were posted with Notice of Hearing on October 9, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 7, 2004 to notify any interested persons of the scheduled hearing date.

IN RE: PETITION FOR VARIANCE
N/S Upper Glencoe Road, 800' +/-
from York Road (to access easement)
8th Election District
3rd Councilmanic District
(808 Upper Glencoe Road)

Gerard L. & Maria Elias
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 02-554-SPH

AUG 13

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Gerard and Maria Elias. The Petitioners are requesting a special hearing for property they own located at 808 Upper Glencoe Road. The special hearing request is to approve a second dwelling on the subject property for the purpose of providing living quarters for an elderly parent.

Appearing at the hearing on behalf of the special hearing request were Gerard and Maria Elias, owners of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 8.1985 acres, more or less, zoned R.C.7. The subject property is improved with a 2-1/2-story frame dwelling wherein Mr. and Mrs. Elias reside. They are interested in constructing a small one-story cottage to the rear of their home in order to provide living quarters for Mr. Elias's mother. The Petitioners intend to have the Petitioner's mother move from New England to this property in order for them to care for her needs and to provide a safe living environment for her. They propose to construct this small cottage on their 8-acre parcel of property in the area shown on Petitioners' Exhibit No. 1, the site plan submitted. In

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE – NW/S Worthington *
Heights Parkway, 2460' NE of Cuba Road * ZONING COMMISSIONER
(1646 Worthington Heights Parkway) *
8th Election District * OF BALTIMORE COUNTY
3rd Council District *
* Case No. 05-368-SPHA
Brian McComas, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Brian McComas, and his wife, Jennifer McComas, through their attorney Deborah C. Dopkin, Esquire. The Petitioners seek approval of the conversion of an existing carriage house to an in-law apartment as an accessory to a principal residence to be constructed on the subject property. In addition, variance relief is requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit accessory structures (existing carriage house/garage and shed) to be located in the side yard in lieu of the required rear yard, and to permit accessory structure heights of 26 feet for the carriage house and 20 feet for the pool house in lieu of the maximum allowed 15 feet for each. 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 Brian M. McComas, property owner, and Errol Ecker. Also appearing were Vincent Moskunas, the Professional Land Surveyor who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present; however, it is to be noted that several of the Petitioners' immediate neighbors wrote letters in support of the proposal.

IN THE MATTER OF
THE APPLICATION OF
JOSEPH AND LAUREN RYAN- LEGAL
APPEALS
OWNERS /PETITIONERS FOR A SPECIAL
HEARING ON PROPERTY LOCATED ON THE
N/S OF DEER PARK ROAD, 600' W OF C/L
THOMPSON AVE (6139 DEER PARK ROAD)

4TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF
* OF
* BALTIMORE COUNTY
* Case No. 03-438-SPH

* * * * *

OPINION

This case comes to the Baltimore County Board of Appeals based on a decision rendered by the Zoning Commissioner for Baltimore County relative to a Petition for Special Hearing under date of July 22, 2003, who, after a public hearing, approved the Petition for Special Hearing which essentially approved two (2) single-family dwellings (an existing dwelling which would serve as an in-law residence) on one property in accordance with Petitioner's Exhibit #1 subject to four restrictions contained within the Order.

Following an appeal filed by People's Counsel for Baltimore County on August 6, 2003, a public hearing was scheduled before this Board on February 26, 2004. At that time, Joseph Ryan appeared *pro se*, and Peter Max Zimmerman, People's Counsel for Baltimore County, appeared as the Appellant. Since Mr. Ryan was not represented by counsel, the Chairman suggested that Mr. Zimmerman lead off with his case and documentation at which time Mr. Ryan would be given the opportunity to examine any exhibits and proceed with any comments he might wish the Board to hear.