IN RE: PETITION FOR ADMIN. VARIANCE W/side of Berans Road, 25 ft. north of c/l of Barthel Road 8th Election District 3rd Councilmanic District **(11906 Berans Road)**	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Thomas S. Petr *Petitioner*	*	CASE NO. 06-164-A

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter originally came before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Thomas S. Petr. The variance request is for property located at 11906 Berans Road in the Lutherville area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (sports court) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The property was posted with a notice of the variance request on September 28, 2005.

Thereafter, a letter of concern was received from adjacent neighbors regarding lighting and noise from the sports court. In addition, they requested that the aesthetics of the wooded lot be maintained. Consequently, a public hearing was scheduled at the request of the Zoning Commissioner's Office. The property was subsequently posted with a notice of hearing on October 30, 2005 and notice of the hearing published in the "Jeffersonian" newspaper on November 1, 2005.

Zoning Advisory Committee:

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

ORDER RECEIVED FOR FILING
Date 11-23-05
By

Interested Persons

Appearing at the hearing on behalf of the variance request were Joe McGraw, Land Surveyor, David Bushy, Builder, and Jack Leonard, Landscape Architect. Michael Tanczyn, Esquire represented the Petitioners. Appearing initially in opposition to the variance requests were David and Susan Burdette. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Applicable Law

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Testimony and Evidence

Mr. Tanczyn proffered that the Petitioners would like to build a sports court for his children in the side yard of their home as shown on Petitioner's Exhibit 1. He explained that a sports court is essentially a basketball court around which is a mesh screen to keep sports objects inside the court. The subject property contains 2.59 acres zoned RC 5. The property is known as Lot 11 in the Bearman Property subdivision, which was recorded in the land records after the imposition of the RC 5 regulations. As shown in Exhibit 1, the property is on the intersection of Barthel and Berans Roads and improved by the Petitioner's home.

ORDER RECEIVED FOR FILING
Date 11-23-15
By

Mr. Tanczyn noted that the property in the rear falls off steeply beyond the septic reserve area located in the rear yard. He presented extensive photographs of the property and surrounding neighborhood in Exhibits 4 through 10. Exhibit 4 shows the deep ravine on the Barthel Road side of the house, which prevents building the sports court on this side. The only relatively flat land left on which one could practically build is located on the north side (the Shipleys side). Although it might be possible to push the sport court further back from Berman's Road, Mr Tanczyn explained that this location would involve removing many more trees than the proposed location. He presented a letter of support from the Shipley family immediately to the north who would be most affected by the construction at the location shown. Apparently, the Shipley children are anxiously awaiting the sports court as much as the Petitioner's children are.

The Burdettes, who live on the other side of Berans Road, originally came to the hearing in opposition to the request. However, after extensive review of the Petitioner's plan including its landscape plan (redline landscape plan Exhibits 11 and 11 A) they indicated that they also support the request. They made no requests for conditions. The sports court also has some lighting, which the Mr. Leonard indicated would not adversely affect the neighbors.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The land falls off sharply on the south side and rear of the property beyond the septic reserve area. It is located at the intersection of two streets. Given the large house, which now improves the property, I find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There really is no other practical place to build the sports court. Finally, I find this variance can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to

ORDER RECEIVED FOR FILING
Date 11-23-05
By

Zoning Commissioner

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

Baltimore County

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

November 23, 2005

Michael Tanczyn, Esq.
606 Baltimore Avenue
Suite 106
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 06-164-A
Property: 11906 Berans Road

Dear Mr. Tanczyn:

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

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

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Thomas Petr, 11906 Berans Road, Baltimore, Maryland 21093
Joseph McGraw, 6912 North River Drive, Baltimore, MD 21220
Jack Leonard, 29 Chesterfield Ct., Monkton, MD 21111
David Bushy, 250 Thomas Drive, Gettysburg, PA 17325
David and Susan Burdette, 3 Wally Court, Lutherville, MD 21093
People's Counsel; Avery Harden, Balto. Co. Landscape Architect, PDM; Case File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11906 BERANS ROAD

which is presently zoned RC 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) 400.1; BCZR TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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

Legal Owner(s):

THOMAS S. PETIR
Name - Type or Print

Signature

Name - Type or Print

Signature

11906 BERANS ROAD
Address Telephone No.

BALTIMORE MD. 21093-1521
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Representative to be Contacted:

JOSEPH W. McGRAW, JR % JST ENG. CO., INC.
Name

6912 NORTH RIVER DRIVE 443-250-0188
Address Telephone No.

BALTIMORE MD. 21220-1059
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

ORDER RECEIVED FOR FILING
Date 11-23-05
By

CASE NO. 06-164-A

Reviewed By JCM Date 9-16-05

Estimated Posting Date _____

REV 9/15/98

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 11906 BERAUS ROAD
Address

BALTIMORE MD. 21093-1521
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):

OWNER DESIRES TO BUILD A SPORTS COURT FOR HIS CHILDREN. LOCATION IN REAR OF HOUSE IS NOT AN OPTION BECAUSE OF EXISTING SEPTIC RESERVE AREA'S LOCATION WITH RESPECT TO EXISTING DWELLING.

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.

X
Signature

Signature

THOMAS S. PETR.
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Thomas S Petr

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Sept 15 2005
Date

JoAnn F. Ogle
Notary Public

JoANN F. OGLE
Notary Public, State of Maryland
County of Baltimore
My Commission Expires September 8, 2008

JoANN F. OGLE NOTARY PUBLIC BALTIMORE CO., MD

My Commission Expires 9/8/08

REV 09/15/98

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 11906 BERAUS ROAD
Address

BALTIMORE MD. 21093-1521
City State Zip Code

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OWNER DESIRES TO BUILD A SPORTS COURT FOR HIS CHILDREN. LOCATION IN REAR OF HOUSE IS NOT AN OPTION BECAUSE OF EXISTING SEPTIC RESERVE AREA'S LOCATION WITH RESPECT TO EXISTING DWELLING.

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.

X
Signature

Signature

THOMAS S. PETR.
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of September 2005 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Thomas S Petr

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Sept 15 2005
Date

JoAnn Ogle
Notary Public

My Commission Expires 9/8/08

JoANN F. OGLE NOTARY PUBLIC BALTIMORE CO., MD

JoANN F. OGLE
Notary Public, State of Maryland
County of Baltimore
My Commission Expires September 8, 2008

REV 09/05/02

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11906 BERANS ROAD

which is presently zoned RC 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) 400.1, BCZR, TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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):

THOMAS S. PETIR
Name - Type or Print

X
Signature

Name - Type or Print

Signature

11906 BERANS ROAD
Address — Telephone No.

BALTIMORE MD. 21093-1521
City — State — Zip Code

Representative to be Contacted:

JOSEPH W. McGRAW, JR % JST ENG. CO., INC.
Name

6912 NORTH RIVER DRIVE 443-250-0188
Address — Telephone No.

BALTIMORE MD. 21220-1059
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. 06-164-A

Reviewed By JCM Date 9-16-05

Estimated Posting Date _____

REV 9/15/98

ZONING DESCRIPTION FOR 11906 BERANS ROAD

Beginning at a point on the west side of Berans Road which is 50 feet wide at the distance of 25 feet north of the centerline of the nearest improved intersecting street Barthel Road which is 50 feet wide. Being Lot #11, Section #2 in the subdivision of THE BEARMAN PROPERTY as recorded in Baltimore County Plat Book #45, Folio #15, containing 2.5948 acres. Also known as #11906 Berans Road and located in the 8th Election District, 3rd Councilmanic District.

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: #06-164-A
11906 Berans Road
West side of Berans Road, 25 feet north of centerline of Barthel Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Thomas S. Petr
Variance: to permit an accessory structure to be located in the side yard in lieu of the required rear yard.
Hearing: Wednesday, November 16, 2005 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/11/608 Nov. 1 73417

CERTIFICATE OF PUBLICATION

11/3/, 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 11/1/, 2005.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

764

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0024

DATE 9/16/05 ACCOUNT B.C.I- 006-6150

AMOUNT $ 65.00

RECEIVED FROM: T. Peter — 11906 Beans Rd

FOR: AD. VAR.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS DATE TIME
9/20/2005 14:18:55 7
ACCOUNT NAME
RECEIPT # 2006 9/16/2005 REG
Dept 5 529 Zoning Administration
CS NO. 0006
Recpt Tot $65.00
$65.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 9-28-05

RE: Case Number 06-164 A

Petitioner/Developer: Thomas Petr

Date of Hearing/Closing: 10/10/05

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11906 Bereans Road

The sign(s) were posted on 9/28/05
(Month, Day, Year)

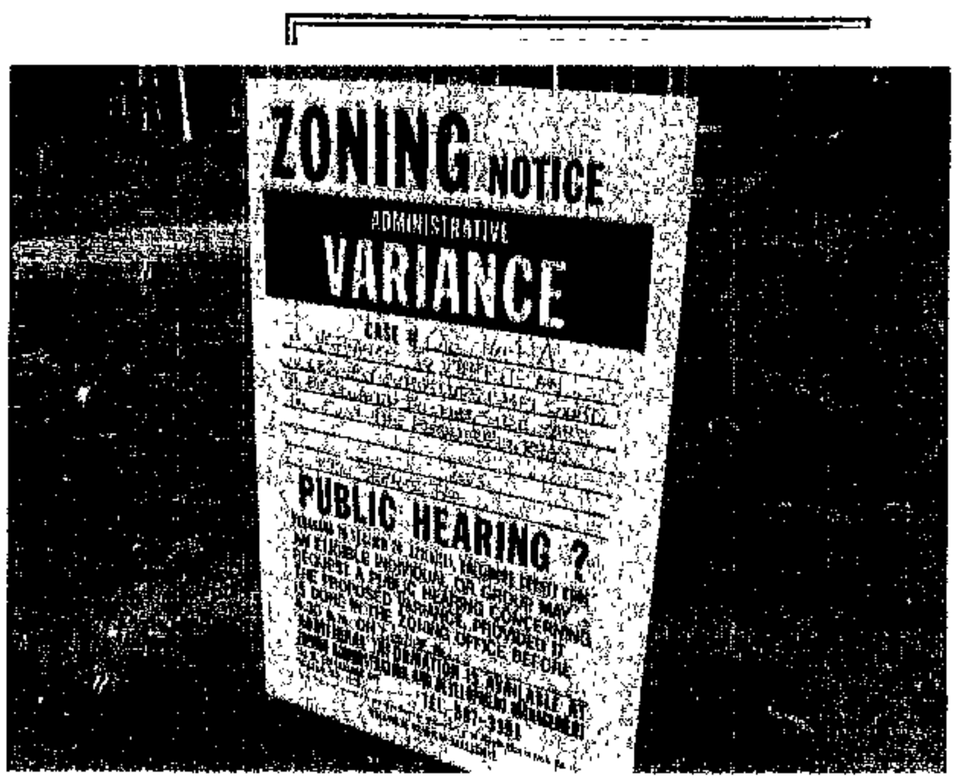
J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd.
(Street Address of Sign Poster)

Parkton MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



Revised 3/1/01 - SCJ

CERTIFICATE OF POSTING

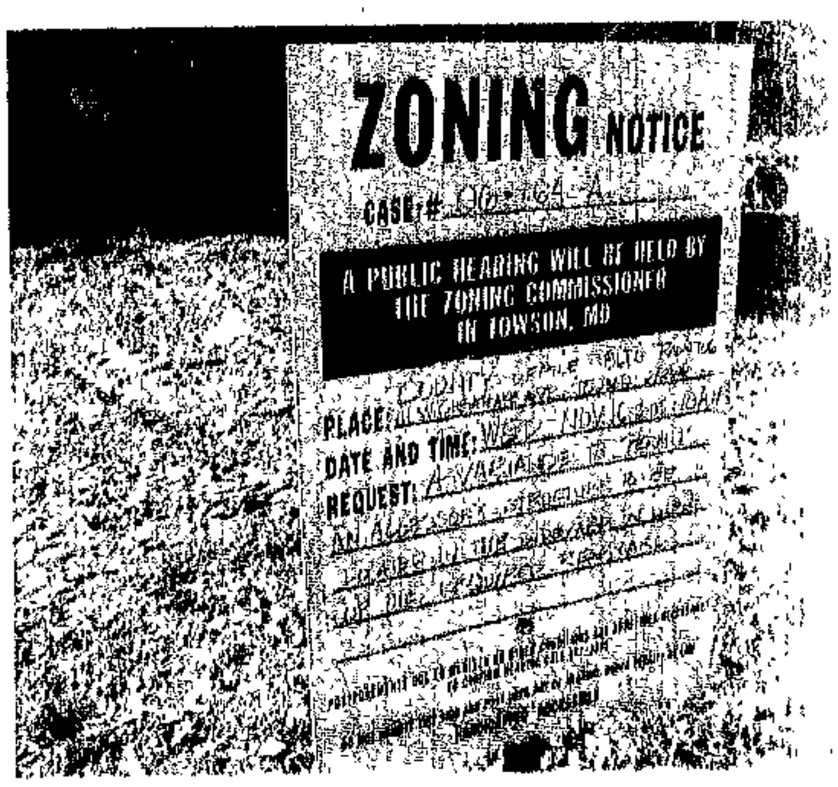
Date: 10-30-05

RE: Case Number 06-164-A
Petitioner/Developer: Thomas Petz
Date of Hearing/Closing: 11-16-05 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11906 Bunans Rd

The sign(s) were posted on 10-30-05
(Month, Day, Year)

J. Lawrence Pilson R.S.
(Signature of Sign Poster)



J. LAWRENCE PILSON RS
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, Md 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 1, 2005 Issue - Jeffersonian

Please forward billing to:
Deborah Kendall-Sipple
111 West Chesapeake Avenue
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: 06-164-A
11906 Berans Road
West side of Berans Road, 25 feet north of centerline of Barthel Road
8th Election District – 3rd Councilmanic District
Legal Owner: Thomas S. Petr

Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard.

Hearing: Wednesday, November 16, 2005 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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

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

Baltimore County

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

October 20, 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: 06-164-A
11906 Berans Road
West side of Berans Road, 25 feet north of centerline of Barthel Road
8th Election District – 3rd Councilmanic District
Legal Owner: Thomas S. Petr

Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard.

Hearing: Wednesday, November 16, 2005 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Thomas Petr, 11906 Berans Road, Baltimore 21093-1521
Joseph McGraw, Jr., 6912 North River Drive, Baltimore 21220-1059

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 1, 2005.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-164 -A Address 11906 BERANS ROAD

Contact Person: J. Merrem Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-16-05 **Posting Date:** 9.25.05 **Closing Date:** 10.10.05

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 06-164 -A Address 11906 BERANS ROAD.

Petitioner's Name THOMAS PETR Telephone 410-943-250-0188

Posting Date: 9.25.05 **Closing Date:** 10.10.05

Wording for Sign: A VARIANCE To Permit AN ACCESSORY STRUCTURE (SPORT COURT) TO BE LOCATED IN THE SIDE YARD IN LIEU of The REQUIRED REAR.

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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

October 11, 2005

Thomas S. Petr
11906 Berans Road
Baltimore, Maryland 21093

Dear Mr. Petr:

RE: Case Number: 06-164-A, 11906 Berans Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Joseph McGraw 6912 North River Drive Baltimore 21220

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

November 14, 2005

Thomas Petr
11906 Berans Road
Baltimore, Maryland 21093

Dear Mr. Petr:

RE: Case Number: 06-164-A, 11906 Berans Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Joseph McGraw 6912 North River Drive Baltimore 21220

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 27, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For October 10, 2005
Item Nos. 155, 156, 157, 159, 160, 161, 162, 163, 164, 165.and 166

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-09272005.doc

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

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: **October 3,** 2005

Item No.: 164 ~~155-166~~

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

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

Lieutenant J.D.Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Printed on Recycled Paper

10/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 7, 2005

RECEIVED

OCT 12 2005

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-164- Administrative Variance**

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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By: Cindy Murray

Division Chief: Lyn Lanham

CM/LL

W \DEVREV\ZAC\6-164 doc

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 9·21·05

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

RE: Baltimore County
Item No. 164 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

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

October 20, 2005

Thomas S. Petr
11906 Berans Road
Baltimore, MD 21093

Dear Mr. Petr:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-164-A

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

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information which will be handled by this office at no cost to you.

The property will be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and the billing will be taken care of directly by this office as well once a bill is received from Patuxent Publishing.

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Joseph McGraw, Jr., JST Eng. Co., Inc., 6912 North River Drive, Baltimore 21220

Printed on Recycled Paper

10-7-05

David & Susan Burdette
3 Wally Court
Lutherville, MD 21093

Rec'd
10/7/05
KLM

Property: Tom & Suzanne Petrs
11906 Berans Road
Lutherville, MD 21093

06-164-A

(1) Concerned if lights would be added to sports court. This would effect bedrooms in our house. Also concerned about night time noise if lights added.

(2) Would like outdoor/wooded lot aesthetics to be maintained. Concerned about tree removal to put in sports court.

David M Burdette
Susan M Burdette

Plat to accompany Petition for

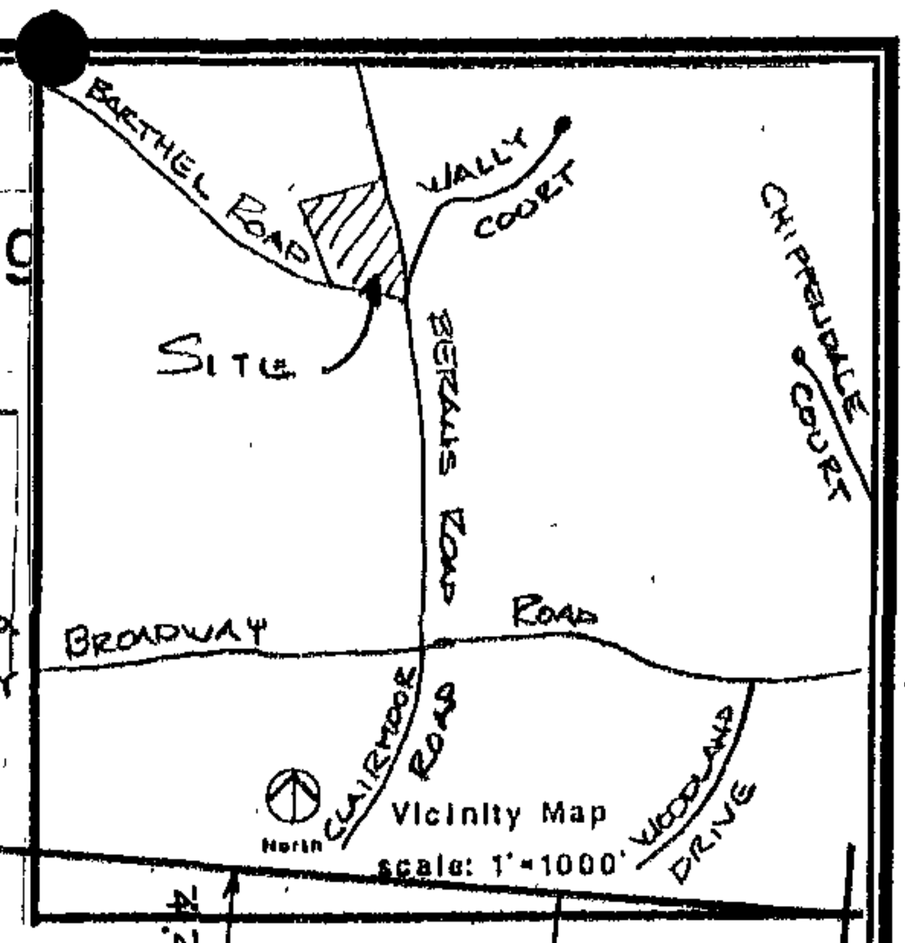
Zoning ☒ Variance ☐ Special Hearing

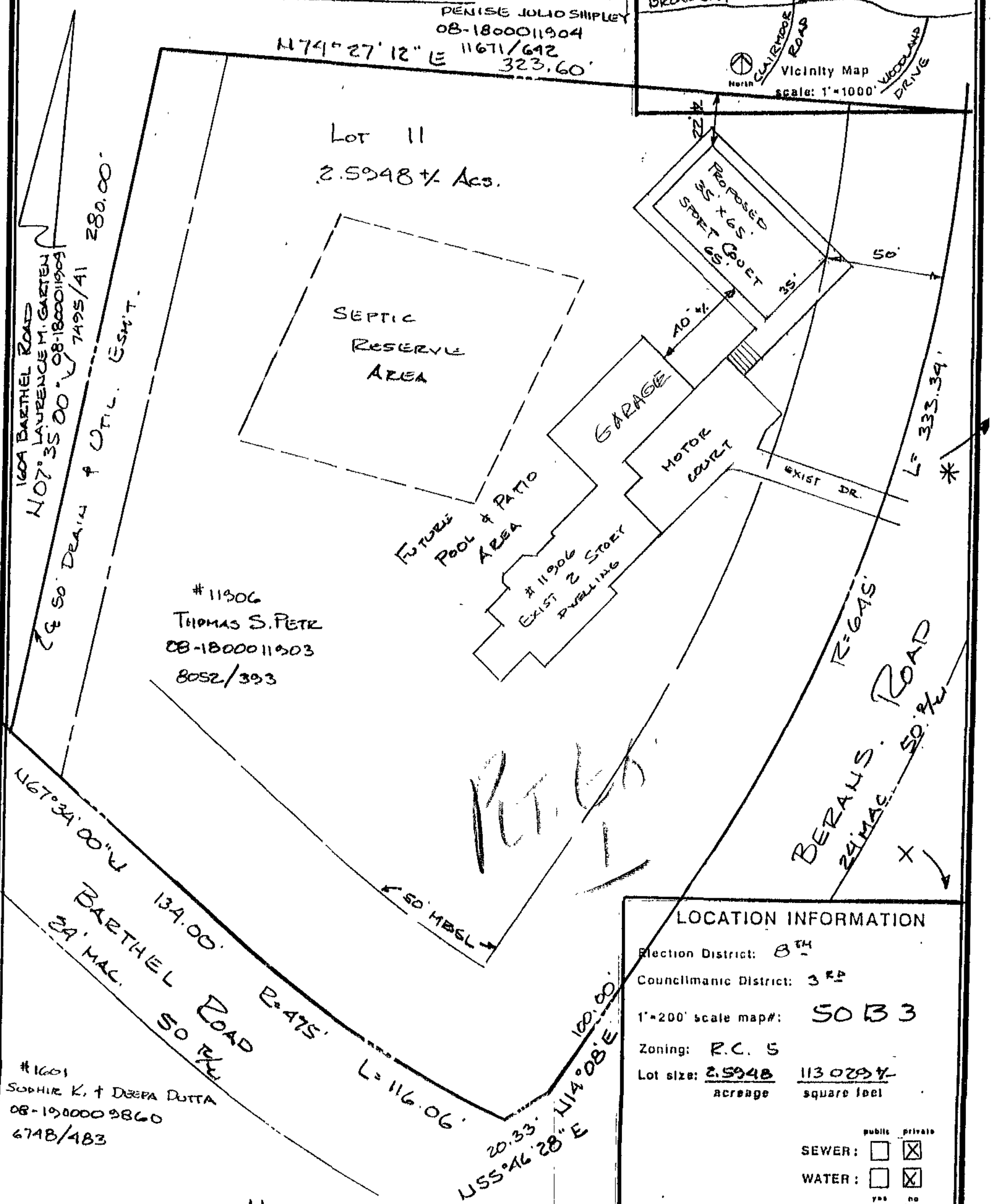
PROPERTY ADDRESS: 11906 BERANS ROAD

Subdivision name: THE BEAEMAN PROPERTY

plat book# 15, folio# 15, lot# 11, section# 2

OWNER: THOMAS S. PETR





NOTES:

1. OWNER OF #2 WALLY COURT ✳
STEVEN ZELDITCH + URSULA PEROD
08-1900009858 - 12897/201
2. OWNER OF 11901 BERANS ROAD X
GERALD J. + DELORES K. PLOTKIN
13694/732

J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410 335-9142 Fax 410 335-9144

Scale: 1" = 50' Date: 9-1-05

LOCATION INFORMATION

Election District: 8TH

Councilmanic District: 3RD

1"=200' scale map#: 50B3

Zoning: R.C. 5

Lot size: 2.5948 acreage / 113029 +/- square feet

	public	private
SEWER:	☐	☒
WATER:	☐	☒

	yes	no
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings:

NONE KNOWN

Zoning Office USE ONLY!

reviewed by: ITEM #: 164 CASE#:

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

8052 PAGE 393

This Deed, MADE THIS 9th day of December

in the year one thousand nine hundred and eighty-eight by and between

ARTHUR E. STRAPP and ROSEMARY STRAPP, husband and wife, GRANTORS, parties,

of the first part, and

THOMAS S. PETR, GRANTEE, party,

of the second part.

WITNESSETH, That in consideration of the sum of FIVE HUNDRED THIRTY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00/100 ($533,750.00) and other good and valuable considerations the receipt whereof is hereby acknowledged,

the said Grantors,

JR 12-13-88 JR 12-13-88

D RC/F 15.00
D T TX 2543.75
D DOCS 2670.00
DEED 0 W
SH CLERK 5238.75
RECEIPT COST REC T11:17
12/14/88

do grant and convey to the said Grantee, Solely, his heirs, personal representatives/~~successors~~ and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot 11 on the Plat of Section II The Bearman Property which plat is recorded among the Land Records of Baltimore County in Plat Book EHK Jr. No. 45, folio 15.

BEING the same property which by Deed dated September 25, 1987 and recorded among the Land Records of Baltimore County in Liber 7693 folio 578, was granted and conveyed by Frederick W. Ackerman and Renee C. Ackerman, his wife, unto the Grantors herein.

BY THE EXECUTION OF THIS DEED, THE PARTIES OF THE FIRST PART HEREBY CERTIFY UNDER THE PENALTY OF PERJURY THAT THE ACTUAL CONSIDERATIONS PAID OR TO BE PAID, INCLUDING THE AMOUNT OF ANY MORTGAGE OR DEED OF TRUST OUTSTANDING IS AS HEREINBEFORE SET FORTH.

This instrument was prepared under the supervision of F. Michael Grace, an attorney admitted to practice before the Court of Appeals of Maryland.

F. Michael Grace
F. Michael Grace, Esquire

~~THOMAS S. PETR, Grantee in the within Deed does hereby certify under the penalty of~~ perjury that the land conveyed herein is residentially improved owner-occupied real property and that the residence will be occupied by them, as evidenced by his signature below:

THOMAS S. PETR, GRANTEE

SUBSCRIBED AND SWORN to under the penalty of perjury before me this _____ day of _____ 19__

MY COMMISSION EXPIRES:

B B 126****3540DDa 21:..

NOTARY PUBLIC

Pet Ex. 2

Petitt 2

AFFIDAVIT OF OCCUPANCY

I/WE, THE UNDERSIGNED, DO HEREBY ACKNOWLEDGE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE PROPERTY KNOWN AS: 11906 Berans Road, Baltimore County Maryland IS RESIDENTIALLY IMPROVED AND WILL BE OCCUPIED BY ME/US, AS THE GRANTEE(S) IN THE ACCOMPANYING INSTRUMENT.

WITNESS MY/OUR HAND(S) AND SEAL(S) THIS 9th DAY OF December, 1988.

Witness

THOMAS S. PETR (Seal) Grantee

Witness

(Seal) Grantee

STATE OF MARYLAND,
COUNTY OF Baltimore, TO WIT:

I HEREBY CERTIFY, THAT ON THIS 9th DAY OF December, 1988, BEFORE ME, PERSONALLY APPEARED THOMAS S. PETR AND, BEING BY ME DULY SWORN, DID DEPOSE AND STATE UNDER OATH THAT HE SIGNED HIS NAME(S) TO THE ABOVE STATEMENT.

Notary Public

My Commission expires: 7-1-90

ANN M. HEISLEY NOTARY PUBLIC HARFORD CO.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Grantee, Solely, his heirs,

personal representatives

and assigns , in fee simple.

AND the said part ies of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand s and seal s of said grantor s

Test:

ARTHUR E. STRAPP (SEAL)

ROSEMARY S

NOTARY PUBLIC BALTIMORE CO., MD.

STATE OF MARYLAND, County of Baltimore, to wit:

I HEREBY CERTIFY, That on this 5th day of November in the year one thousand nine hundred and eighty eight, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Rosemary Strapp ROSEMARY STRAPP, known to me (or satisfactorily proven) to be the person s whose name s are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission expires:

7-1-92

8052 PAGE 396

STATE OF Nevada, COUNTY OF Clark to wit;

I HEREBY CERTIFY that on this 8th day of November in the year one thousand nine hundred and 88, before me, the subscriber, a NOTARY PUBLIC OF THE STATE aforesaid, personally appeared ARTHUR E. STRAPP known to me (or satisfactorily proven) to be the person(s) whose name (s) are/is subscribed to the within instrument, and acknowledge the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHERE OF, I hereunto set my hand and official seal.

Frankie Miller
NOTARY PUBLIC

My Commission expires: Aug 1, 1990

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
FRANKIE MILLER
My Appointment Expires Aug. 1, 1990

DEED

FROM

ARTHUR E. STRAPP and

ROSEMARY STRAPP

TO

THOMAS S. PETR

BLOCK No.

Received for Record, ..., 19....,

at ..... o'clock ... M. Same day recorded

in Liber ..... No. ..... Folio ..... &c.,

one of the Land Records of .....

....., and examined per

....., Clerk.

Cost of Record, $.....

E03110.00.81

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 08 **Account Number** - 1800011903

Owner Information

Owner Name:	PETR THOMAS S	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	11906 BERANS RD LUTH-TIMONIUM MD 21093-1521	**Deed Reference:**	1) / 8052/ 393 2)

Location & Structure Information

Premises Address
11906 BERANS RD

Legal Description
2.5948 AC 113029 SQ
BEARMAN PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
50	22	258			2		L1	2	Plat Ref: 45/ 15

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1984	5,502 SF	2.59 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	115,900	231,800		
Improvements:	469,950	702,400		
Total:	585,850	934,200	701,966	818,082
Preferential Land:	0	0	0	0

Transfer Information

Seller:	STRAPP ARTHUR E	**Date:**	12/14/1988	**Price:**	$533,750
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 8052/ 393	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

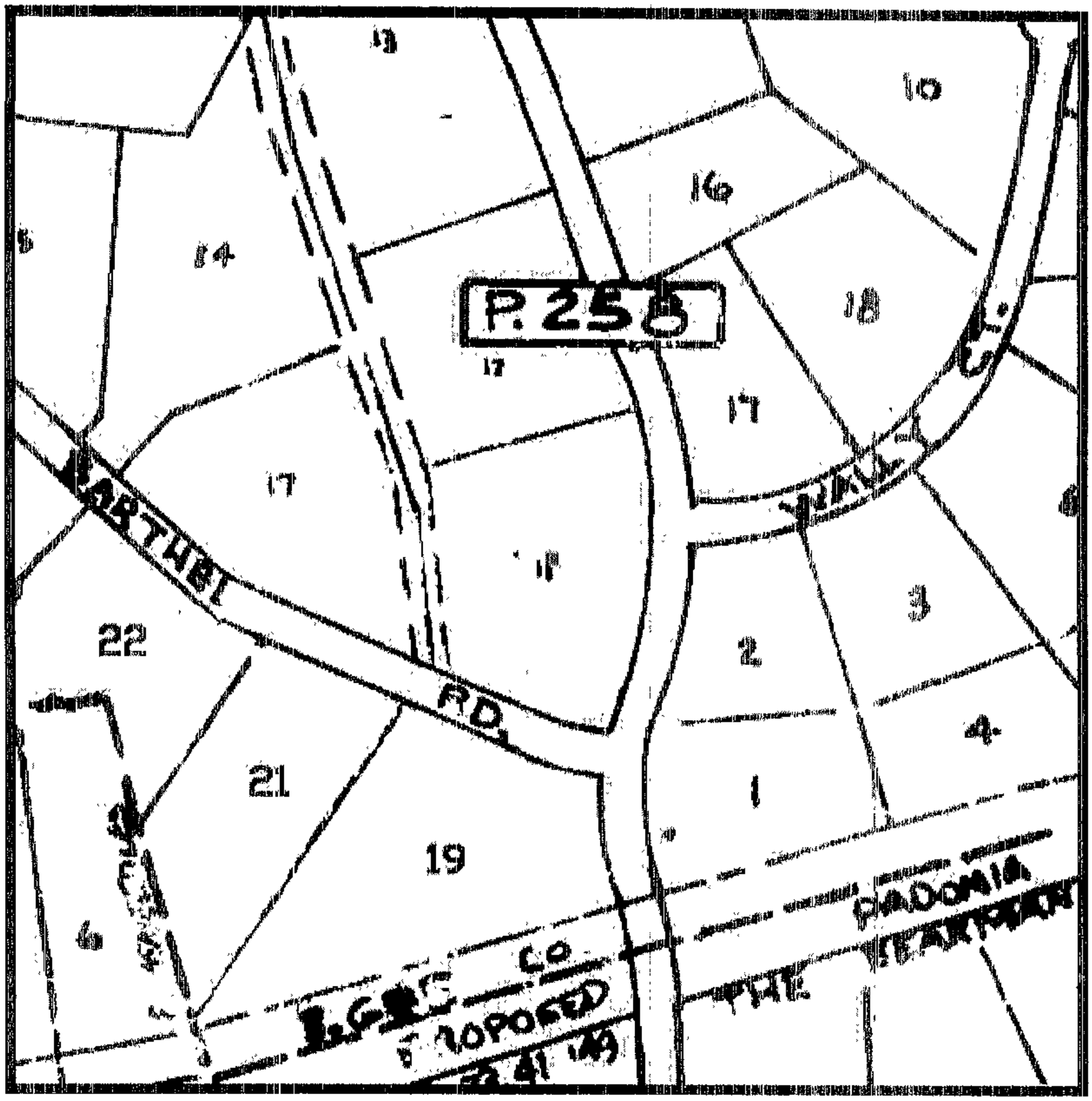
Pet Ex 3

Pet #3

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

Go Back
View Map
New Search

District - 08**Account Number** - 1800011903



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

November 11, 2005

PETITIONERS' EXHIBIT 4

November 11, 2005

PETITIONERS' EXHIBIT 5

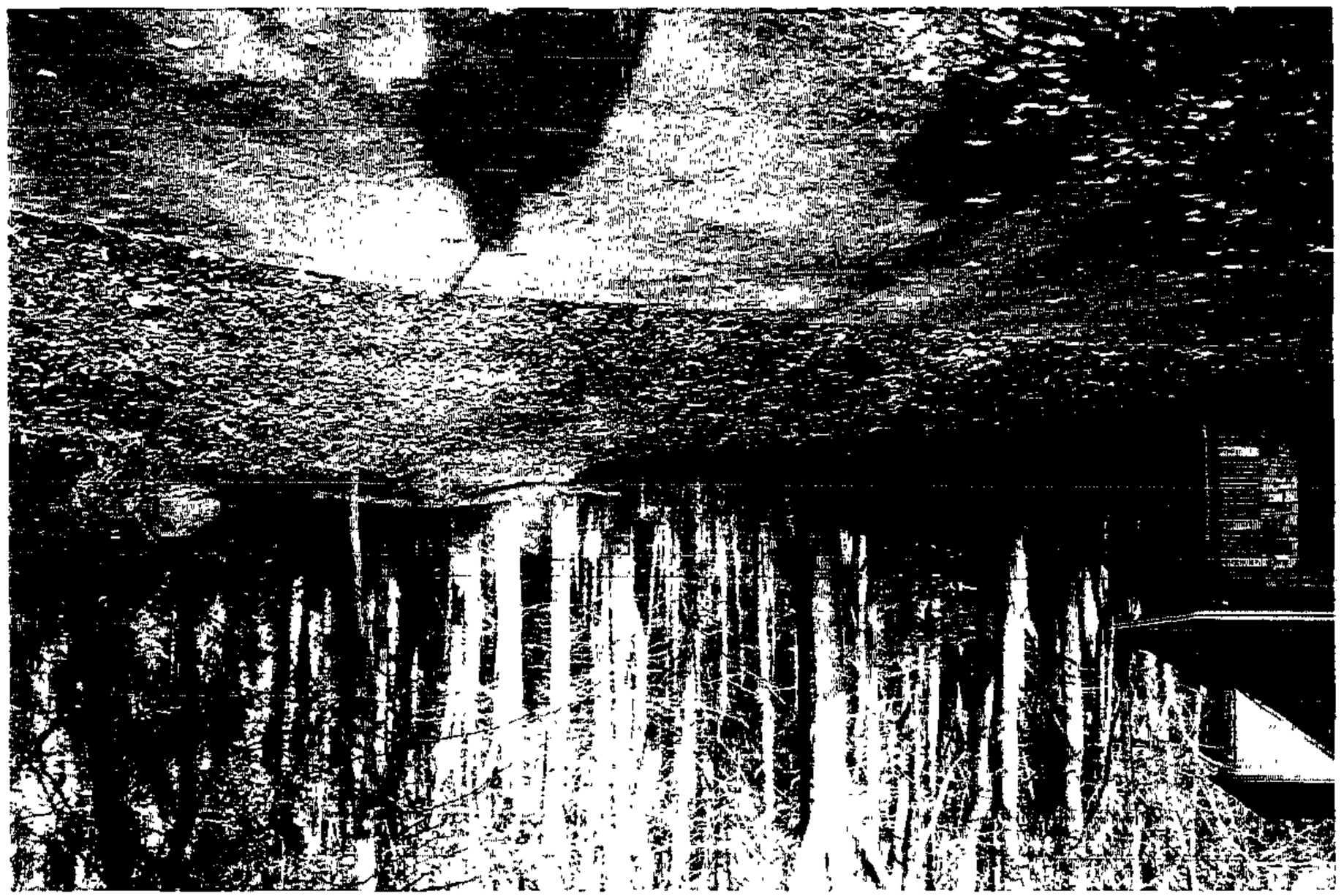
NOVEMBER 11, 2005

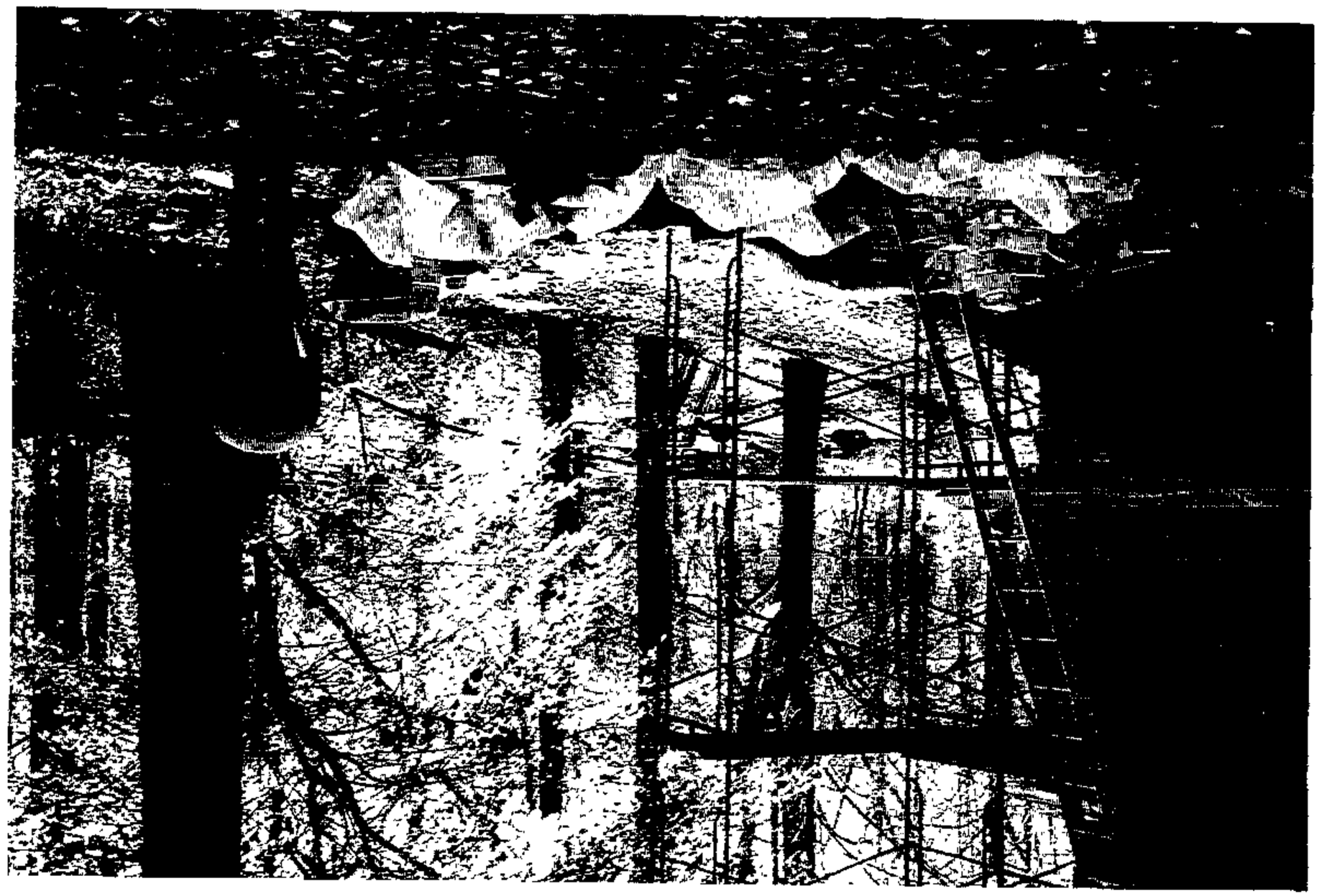
PETITIONERS' EXHIBIT 6

November 11, 2005

Petitioner's Exhibit 7

November 11, 2005
PETITIONERS' EXHIBIT 8





November 11, 2005

PETITIONERS' EXHIBIT 9

November 11, 2005

PETITIONERS' EXHIBIT 10

John Shipley
Denise Shipley
11912 Berans Road
Timonium, Maryland 21093

November 11, 2005

Thomas S. Petr
Suzanne Petr
11906 Berans Road
Timonium, MD 21093

Re: Case No.: 06-164A
Variance

Dear Mr. and Mrs. Petr:

We are writing to express our support for your area setback variance for purposes of constructing a sports court on your property. We think this will be a good addition to your property and that the variance requested is the minimum relief necessary to allow you to place the court, given the constraints of the septic reserve area and the topography of your lot for the unimproved remaining area.

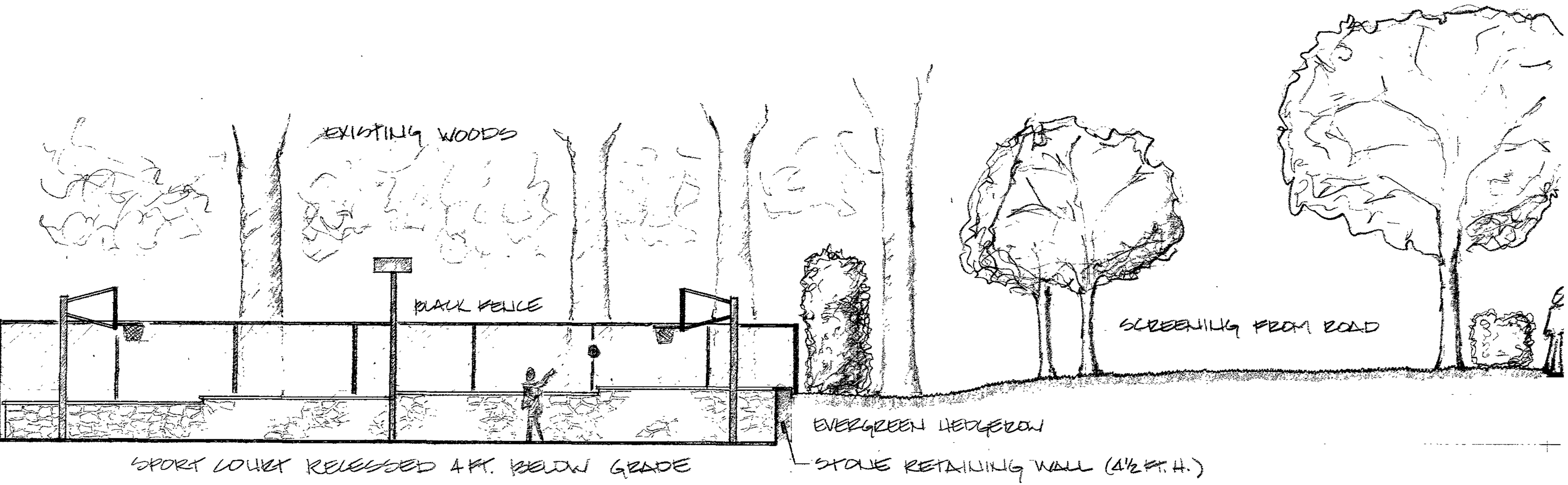
I hope this is helpful to you in your presentation of your petition.

Very truly yours,

JOHN SHIPLEY

DENISE SHIPLEY

Pet. #
10 A



THE PETR RESIDENCE

11906 Berans Lane, Cockeysville, MD 21030

JGL DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & PLANNERS

29 Chesterfield Ct., Monkton, MD 21111

(410) 329-5208

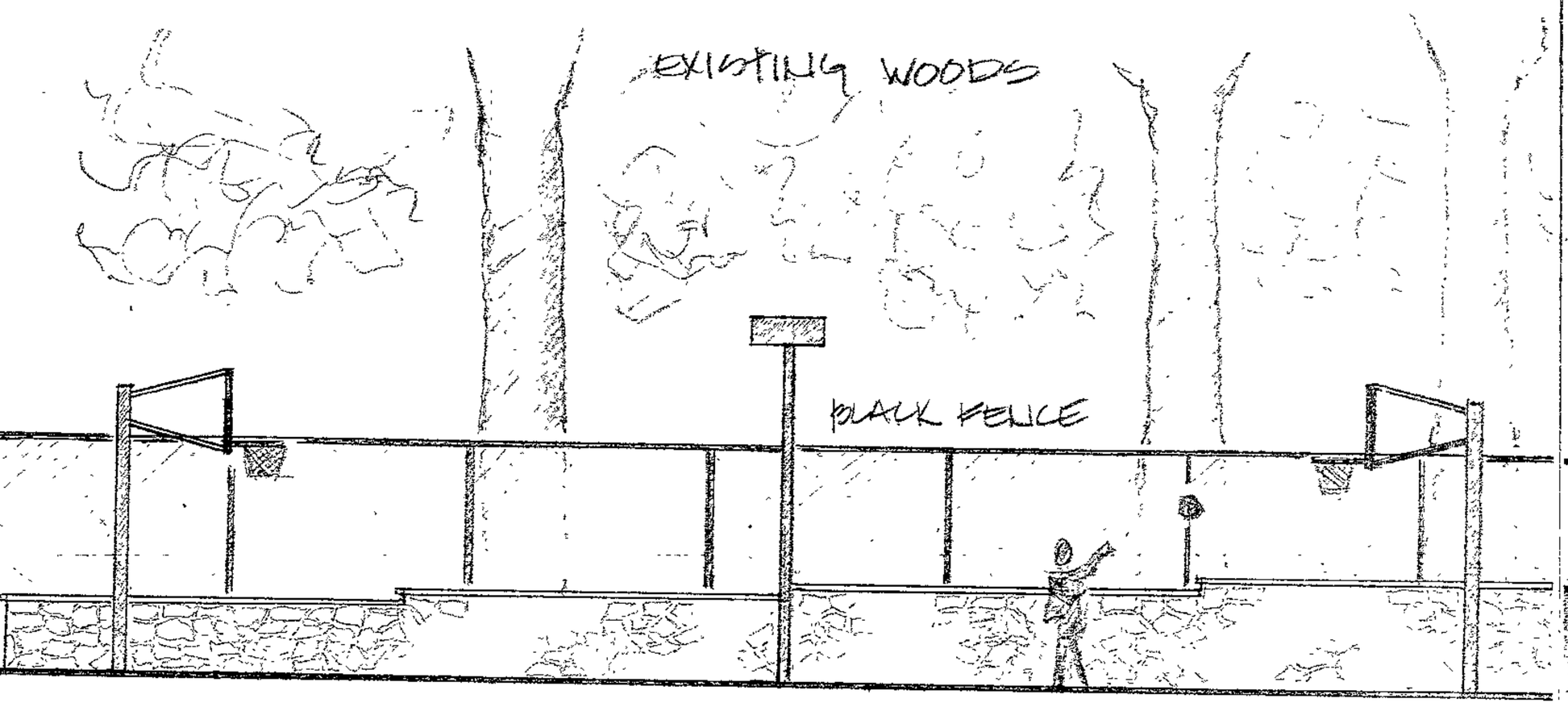
SHEET TITLE SPORT COURT

PROJECT # _____ SHEET 2 OF _____

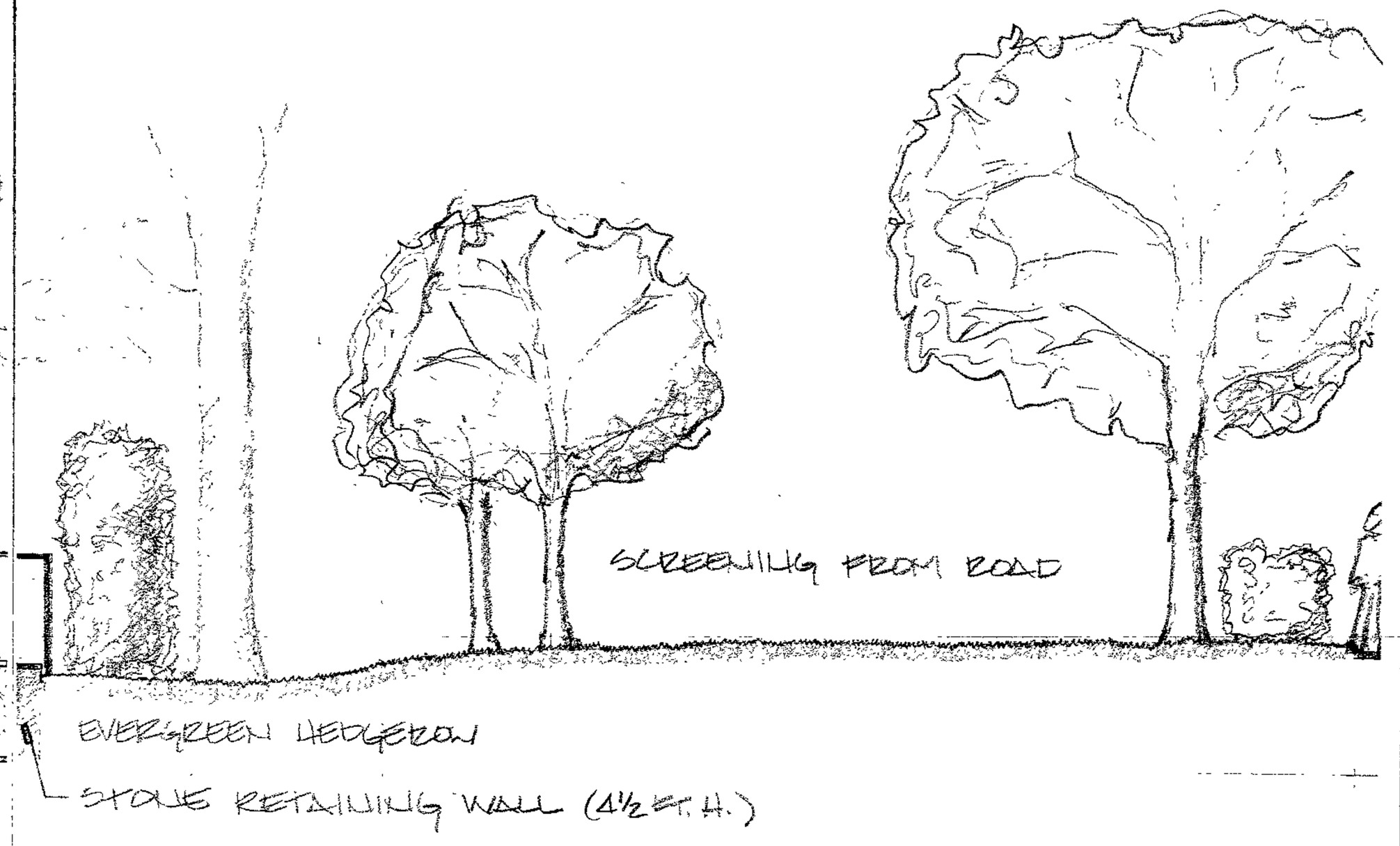
SCALE 1/8"=1'-0" DATE 11.11.05

THIS DRAWING & ASSOCIATED WRITTEN MATERIALS MAY NOT BE USED OR DUPLICATED WITHOUT THE WRITTEN CONSENT OF JGL DESIGN ASSOC.

Pet Ex 11



SPORT COURT RECESSED 4 FT. BELOW GRADE



THE PETR RESIDENCE

11906 Berans Lane, Cockeysville, MD 21030

JGL DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & PLANNERS

29 Chesterfield Ct., Monkton, MD 21111

(410) 329-5208

SHEET TITLE SPORT COURT

PROJECT # SHEET 2 OF

SCALE DATE 11.11.05

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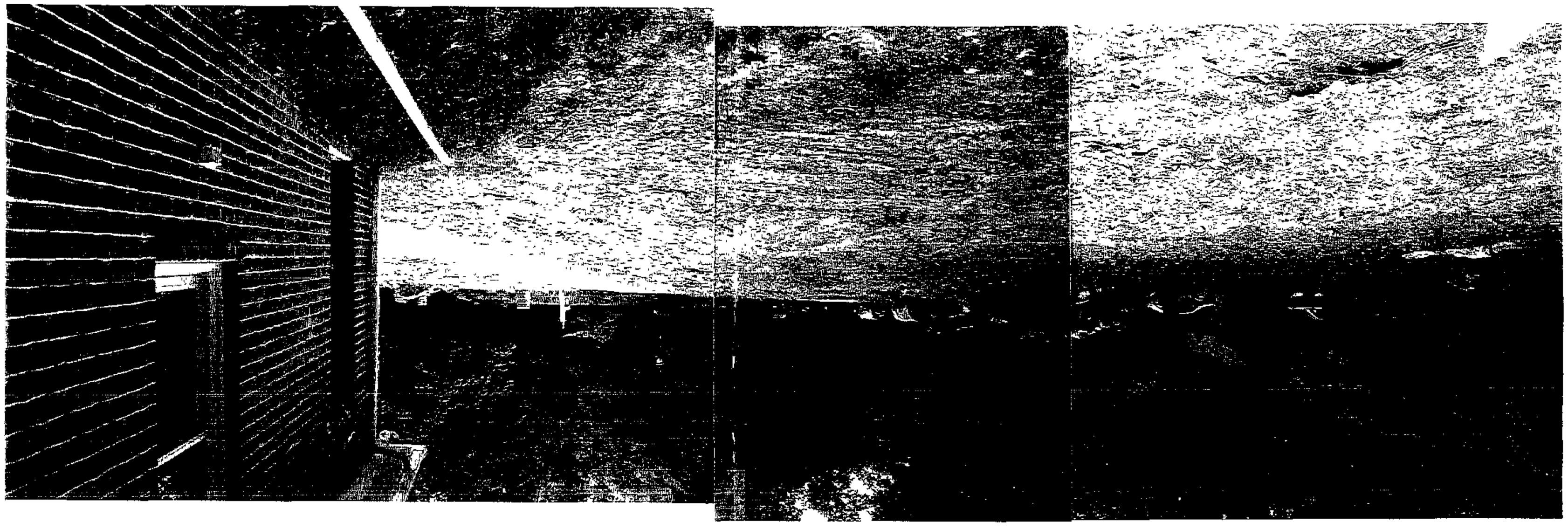
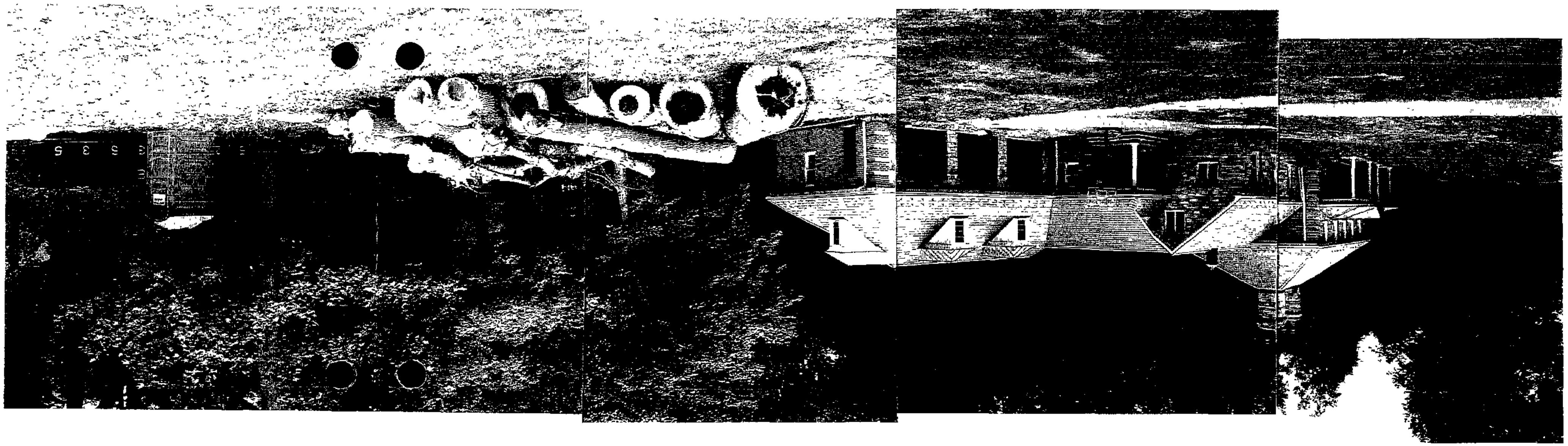
Pat Ex 11





PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
David & Susan Burdette	3 Wally Court	Lutherville MD 21093	sburdette@chemsunltd.com

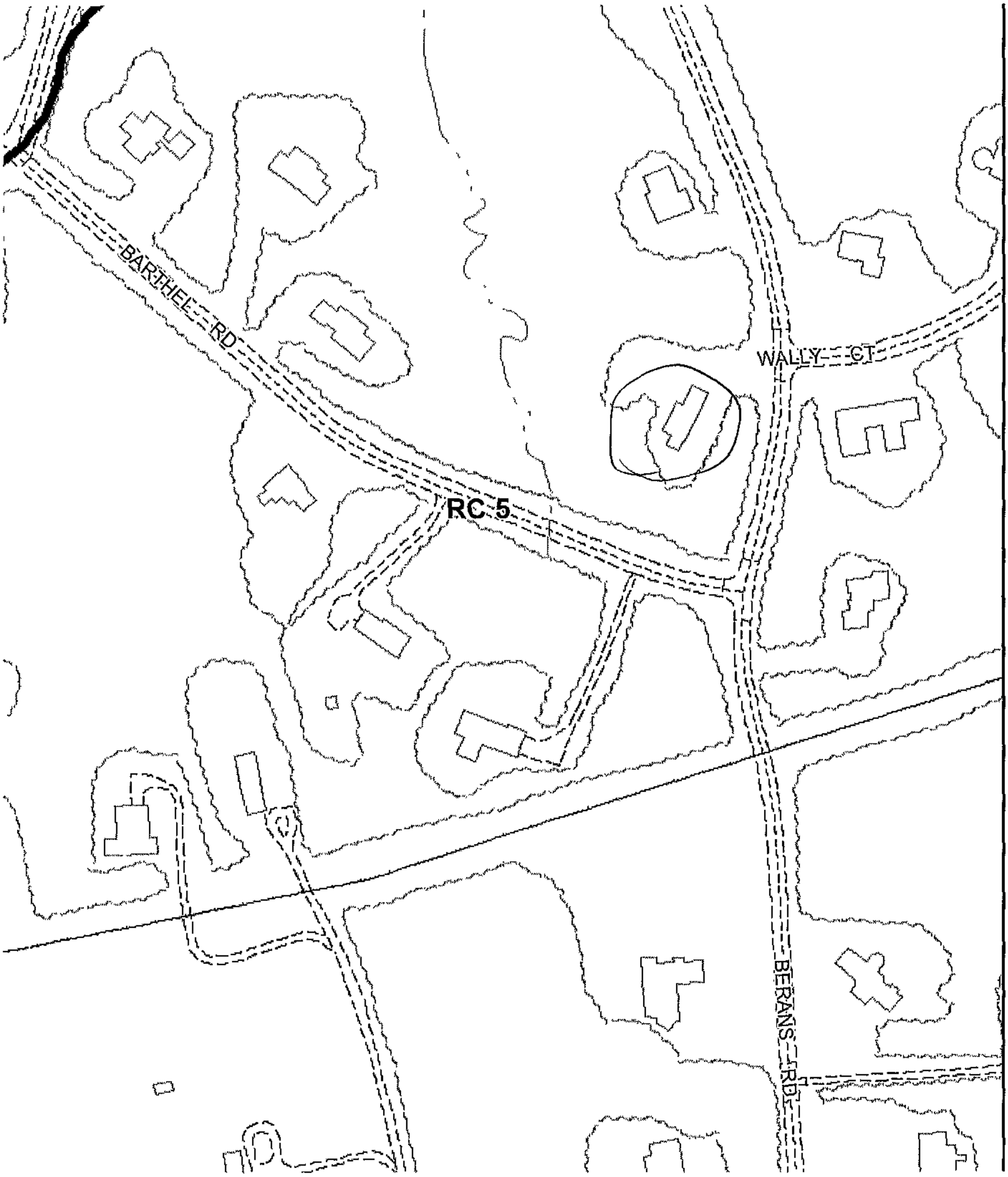
PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-164A
DATE 11/16/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JOE McGRAW (Builder)	6912 NORTH RIVER DR.	BALTIMORE MD 21220	JWM6912@COMCAST.NET
DAVID BUSHY (Surveyor)	250 THOMAS DR	GETTYSBURG PA 17325	davebushy@adelphia.net
JACK LEONARD	29 CHESTERFIELD CT	MONKTON, MD 21111	JACK@JGLDESIGN.COM
MICHAEL TANCZYN	STE 106 606 BALTIMORE AVE	TOWSON MD 21204	MPTLAW@VERIZON.NET
	landscape arch		

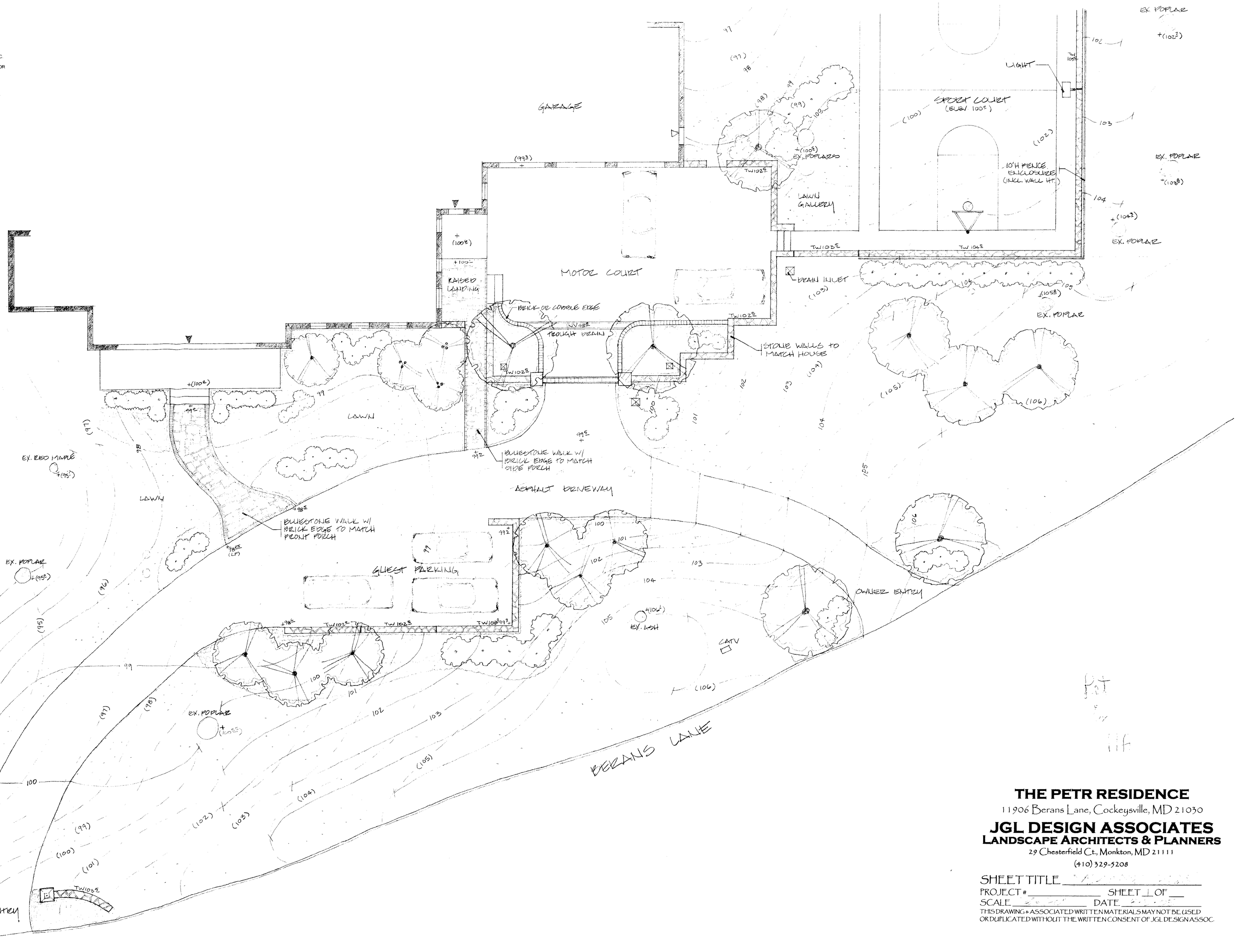
5083



GENERAL NOTES

- CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION, CONSTRUCTION AND/OR PLANTING OPERATIONS.
- BASE DATA IS APPROXIMATE - FIELD LAYOUT BY JGL DESIGN ASSOC. IS RECOMMENDED.
- CONTRACTORS SHALL CONFIRM ALL DESIGN MODIFICATIONS AND/OR SUBSTITUTIONS WITH JGL DESIGN ASSOC.
- THE OWNER/CONTRACTOR SHALL CONFORM TO ALL APPLICABLE BUILDING CODE RESTRICTIONS AND REGULATIONS.
- CONTRACTORS SHALL CONFORM TO ALL APPLICABLE SPECIFICATIONS AS OUTLINED IN THE LANDSCAPE CONTRACTORS "SPECIFICATION GUIDELINES" FOR BALTO. - WASH. D.C. METRO. AREAS, AS APPROVED BY THE L.C.A.M.W. & THE ASLA.
- SEDIMENT CONTROL DEVICES SHALL BE INSTALLED & MAINTAINED AS NEEDED, IN ACCORDANCE WITH LOCAL JURISDICTION REQUIREMENTS. STABILIZE ALL DISTURBED AREAS AS SOON AS FINAL GRADING HAS BEEN COMPLETED. ALL DISTURBED AREAS SHALL BE SEEDED WITH THE EXCEPTION OF PLANTING BEDS.
- MAINTAIN ALL PLANTS IN ACCORDANCE WITH NURSERY RECOMMENDATIONS.
- ALL MATERIALS & WORKMANSHIP ARE SUBJECT TO THE FINAL APPROVAL OF JGL DESIGN ASSOC.

THESE DRAWINGS ARE INTENDED TO BE MASTER PLANS AND DESIGN CONCEPTS ONLY. CONSTRUCTION SHOULD BE PERFORMED BY A LICENSED AND BONDED CONTRACTOR WHO SHALL ASSUME FULL LIABILITY FOR THE QUALITY AND STRUCTURAL INTEGRITY OF THE PLANS, ELEMENTS, DESIGN DETAILS AND FOR REFERENCE ONLY. THE BUILDER MAY NEED THE ASSISTANCE OF OTHER PROFESSIONAL DISCIPLINES IN ORDER TO BUILD IN CONFORMANCE WITH THE CONSTRUCTION SPECIFICATIONS, NOTES & DETAILS AND LOCAL CODES & REGULATIONS.



THE PETR RESIDENCE

11906 Berans Lane, Cockeysville, MD 21030

JGL DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & PLANNERS
29 Chesterfield Ct., Monkton, MD 21111
(410) 329-5208

SHEET TITLE _____
PROJECT # _____ SHEET ___ OF ___
SCALE _____ DATE _____

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