

IN RE: **PETITION FOR VARIANCE**
E/S Beach Road, 290' S of the c/l
Marsh Road
(1025 Beach Road)
15th Election District
6th Council District

James F. Green
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-311-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, James F. Green. The Petitioner requests a variance from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be partially located in the front/side yard, 6 inches beyond the lateral projection of the front foundation of the existing dwelling, in lieu of the required rear yard, or side yard, 8 feet back from the lateral projection of the front foundation wall. 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 was James Green, property owner. There were no Protestants or other interested persons present; however, it is to be noted that the Petition was filed in response to an anonymous complaint registered with the Code Enforcement Division of the Department of Permits and Development Management and the Petitioner was advised to file the instant Petition.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located on the east side of Beach Road, just south of Marsh Road in eastern Baltimore County. The property contains a gross area of 1.3 acres, more or less, zoned R.C.5, and is improved with a single-family dwelling and a 10' x 12' shed. The Petitioner has owned and resided on the property for the past five years. Since his purchase of the property, the

MAILED RECEIVED FOR FILING

Date

By

1/26/05

[Signature]

Petitioner has stored a 1995, 29' Taurus Travel Trailer in the side yard adjacent to his home. Mr. Green testified that the trailer is used for recreational purposes and that it has always been stored in this location. Apparently, as a result of a recent complaint, Mr. Green was advised that the trailer must be stored in either the rear yard of his property, or at least 8 feet back from the front foundation wall of his home. Mr. Green testified that his rear yard contains wetlands and a stream, which runs to Sue Creek, and that due to the steep slopes and site constraints associated with the rear yard, he cannot store the trailer behind his home. In this regard, he stated that his front porch is approximately 10 inches off the ground, while the rear porch is about 6 feet off the ground. As shown on the site plan, the house is located in the front portion of the lot, approximately 15 feet from the front property line, and the trailer is stored on the northeast side of the home, approximately 6 inches beyond the front foundation wall of the existing dwelling.

In support of his request, Mr. Green stated that there are only four houses on this road and that his home is located at the end of the street. He further testified that he spoke with all his neighbors, all of who are friends, and that none of them had any objections to the trailer. Mr. Green indicated that he has known his immediately adjacent neighbor, Pat Lipscomb, who is in his 70s, all of his life, and that his neighbor across the street, Joe Wiggin, is also a good friend and that he stores two recreational trailers on his property. Mr. Green believes that a Realtor who recently sold a home located at the corner of Beach and Marsh Roads may have filed the complaint about the trailer.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. As noted above, the trailer has existed on the property where located for the past five years without prior complaint. Moreover, it is clear that the trailer cannot be stored in the rear yard, given the steep slopes and site constraints associated with this property. There were no adverse comments submitted by any County reviewing agency and the neighbors have no objections. Thus, I find that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

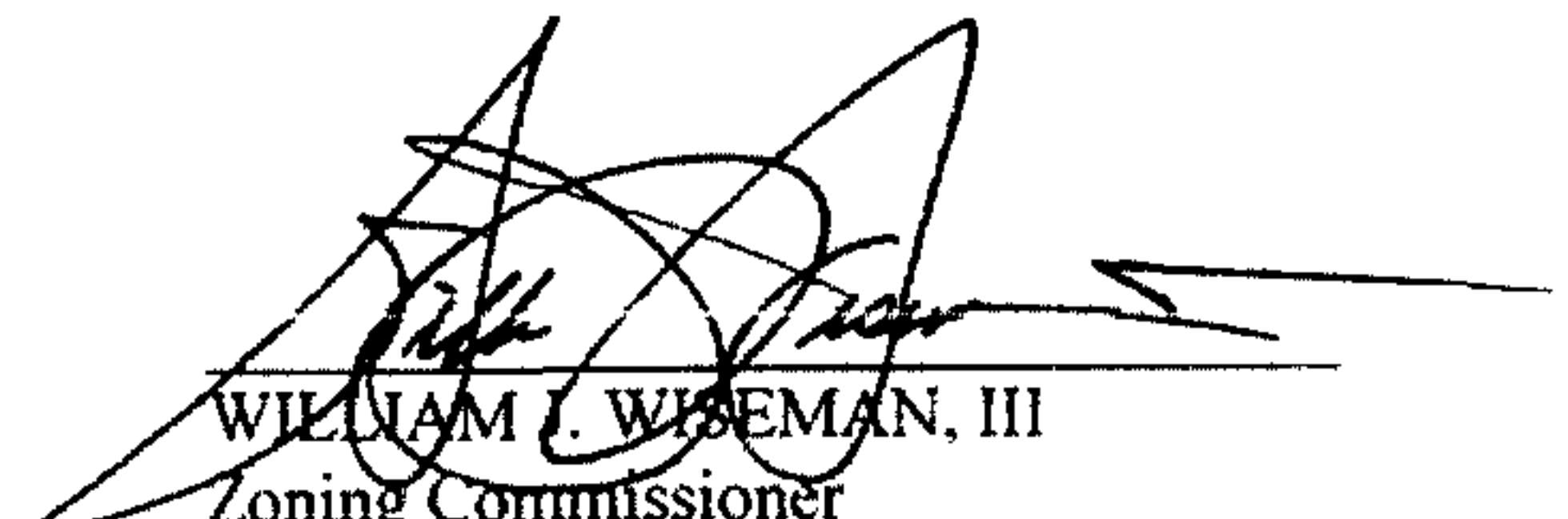
OFFICE OF THE CLERK
1/24/15
[Signature]

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of January 2006 that the Petition for Variance seeking relief from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be partially located in the front/side yard, 6 inches beyond the lateral projection of the front foundation of the existing dwelling, in lieu of the required rear yard, or in the side yard, 8 feet behind the lateral projection of the front foundation wall, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall be permitted to continue storing the 1995 Taurus Travel Trailer in its present location in the side yard until such time as he no longer owns that vehicle. In the event the Petitioner desires to replace that vehicle, a new Petition for Variance must be filed to determine the appropriateness of same.
- 3) The Petitioner shall not allow or cause the travel trailer to be used for residential purposes. That is, no one can use or occupy the trailer as a residence.

Any appeal of this decision shall be taken in accordance with Baltimore County Code Section 32-3-401.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 1/26/06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 26, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. James F. Green
1025 Beach Road
Baltimore, Maryland 21221

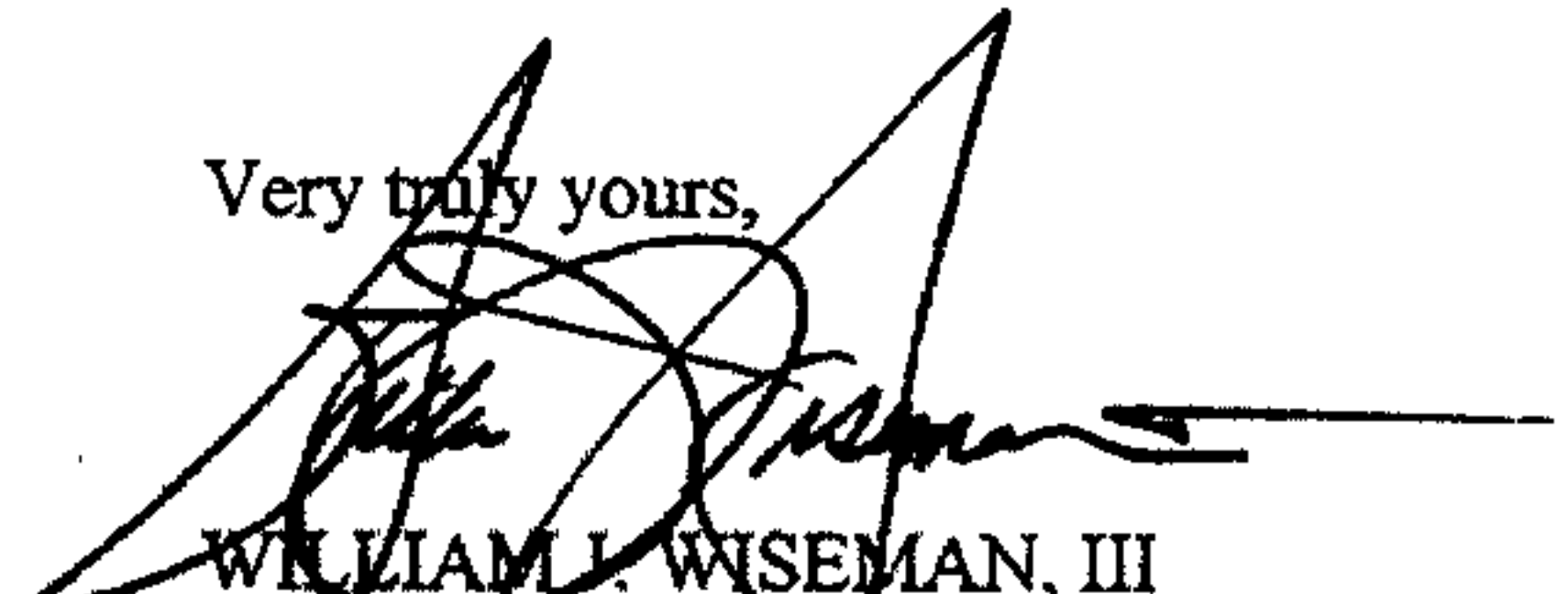
RE: **PETITION FOR VARIANCE**
E/S Beach Road, 290' S of the c/l Marsh Road
(1025 Beach Road)
15th Election District – 6th Council District
James F. Green - Petitioner
Case No. 06-311-A

Dear Mr. Green:

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

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

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Code Enforcement Division, DPDM
People's Counsel; Case File



Petition for Variance
to the Zoning Commissioner of Baltimore County
 for the property located at x 1025 Beach Road
 which is presently zoned BC5

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) 415 A 1 A to 315 A 1 A

hereof, hereby petition for a Variance from Section(s) 415.A.1.A. TO PERMIT A RECREATIONAL VEHICLE TO BE LOCATED PARTIALLY IN THE FRONT AND SIDE YARD AREA OF A LOT. SAID LOCATION 6 INCHES FORWARD OF THE LATERAL PROJECTION OF THE FRONT FOUNDATION IN LIEU OF ~~REAR~~ YARD, 8 FT. ~~BEHIND~~ TO THE REAR OF ~~THE~~ SUCH PROJECTION. *PTL*

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

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. _____

State

Zip Code

Case No.

06 - 311 - A

ORDER RECEIVED FOR FILING

Signature _____

Company _____

Address _____

Case No. _____

Date 9/15/98

Legal Owner(s):

James F. Green

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name _____

Address

Telephone No. _____

City

State

Z10 Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING /HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 12/16/25

Zoning Description

311

Zoning description for 1025 Beach Road. Beginning at a point on the east side of Beach Road which is 40 wide at the distance of 290 feet south of the centerline of Marsh Road which is 40 feet wide. Being lot #481 in the subdivision of Cedar Beach as recorded in Baltimore County Plat Book # 13 Folio # 7 containing 1.3 acres. Also known as 1025 Beach Road and located in the 15th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1613

DATE

12/16/05

ACCOUNT

311 001006 6150

AMOUNT

\$ 65.00

RECEIVED FROM

MR. BRENNAN

FOR

RES VAC (VOLUNTARY CONTRIBUTION)

1025 BENCH RD

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAYEE CERT

ADDRESS

12/16/2005 12:14:00 PM

RES VAC - BUDGET OFFICE

DEBITED TO OFFICE OF BUDGET & FINANCE

Dept. 3 FOR BUDGET OFFICE

1000000000

Receipt for

1.00

12/16/05

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 06-311-A

1025 Beach Road

East side of Beach Road, 290 feet south of Marsh Road

15th Election District — 6th Councilmanic District

Legal Owner(s): James F. Green

Variance: to permit a recreational vehicle to be located partially in the front and side yard area of a lot, said location 6 inches forward to the lateral projection of the front foundation in lieu of side yard, 8 feet to the rear of such projection.

Hearing: Tuesday, January 24, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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.

1/022 Jan. 5

79873

CERTIFICATE OF PUBLICATION

1/6/ 2006

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 1/5/ 2006.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-311-A

Petitioner/Developer: JAMES F.

GREEN

Date of Hearing/Closing: 1/24/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: KRISTEN MATTHEWS

Ladies and Gentlemen:

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

1025 BEACH ROAD

The sign(s) were posted on 1/9/06
(Month, Day, Year)

Sincerely,

Robert Black 1/11/06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

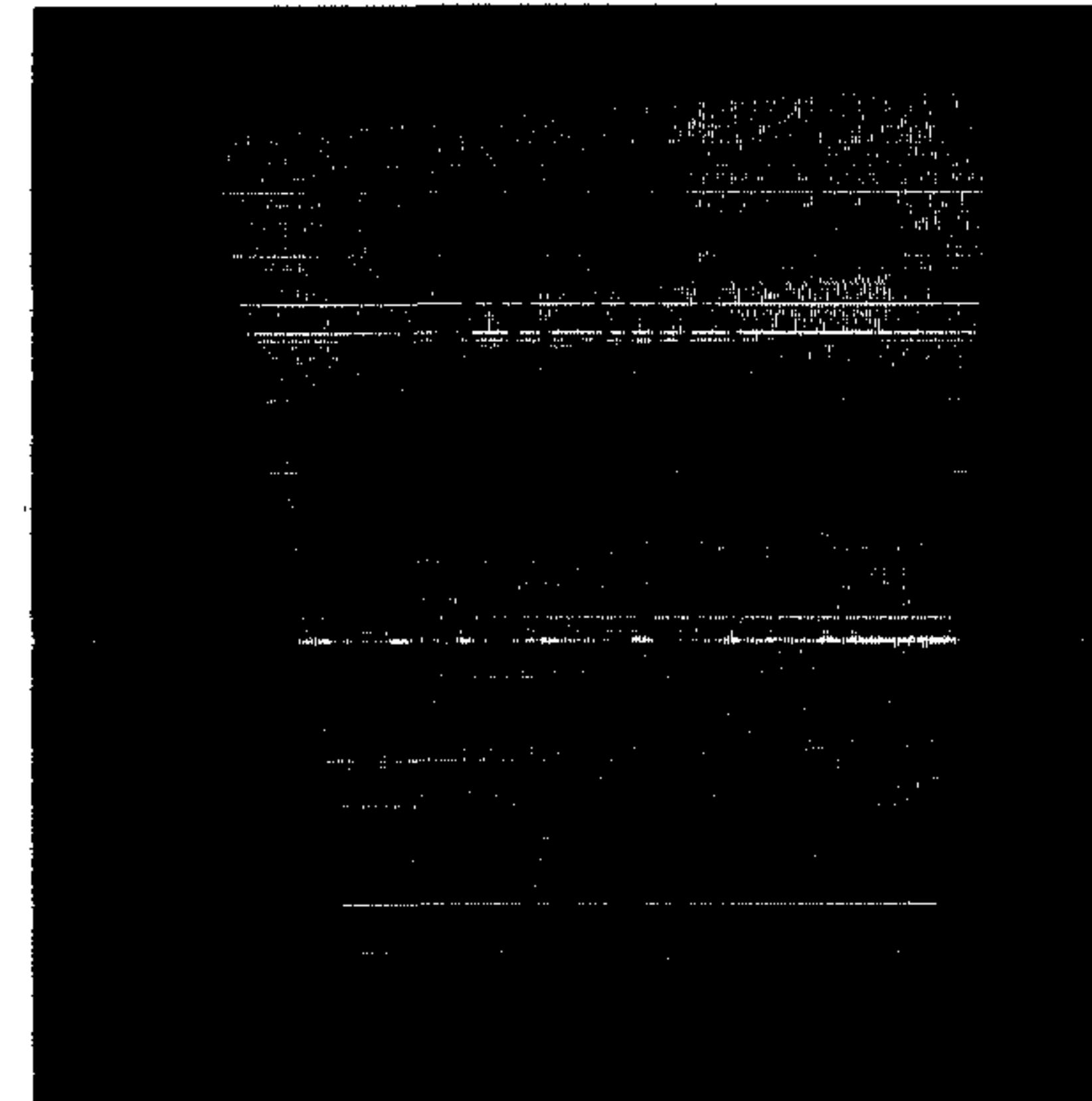
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



1025 BEACH RD



December 23, 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: 06-311-A

1025 Beach Road

East side of Beach Road, 290 feet south of Marsh Road

15th Election District – 6th Councilmanic District

Legal Owner: James F. Green

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Hearing: Tuesday, January 24, 2006 @ 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:raj

C: James Green, 1025 Beach Road, Baltimore, MD 21221

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 9, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 5, 2006 Issue - Jeffersonian

Please forward billing to:
James Green (410-687-2979)
1025 Beach Road
Baltimore, MD 21221

NOTICE OF ZONING HEARING

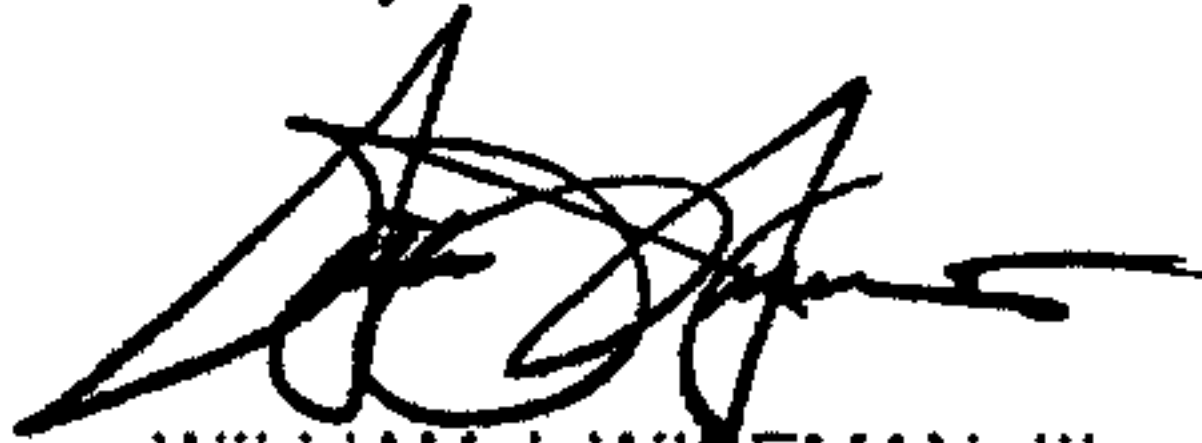
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-311-A

1025 Beach Road
East side of Beach Road, 290 feet south of Marsh Road
15th Election District – 6th Councilmanic District
Legal Owner: James F. Green

Variance to permit a recreational vehicle to be located partially in the front and side yard area of a lot, said location 6 inches forward to the lateral projection of the front foundation in lieu of side yard, 8 feet to the rear of such projection.

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WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06 - 311-A

Petitioner: GREEN

Address or Location: 1025 BEACH RD

PLEASE FORWARD ADVERTISING BILL TO

Name JAMES GREEN

Address 1025 BEACH RD

BALTO. MD. 21221

Telephone Number 410 - 687-2979

**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*

January 23, 2006

James F. Green
1025 Beach Road
Baltimore, Maryland 21221

Dear Mr. Green:

RE: Case Number: 06-311-A, 1025 Beach Road

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2005
Item Nos: 306, 307, 308, 311, 312, 313, and 314

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-01032006 doc

County Office Building, Room 111

december 28, 2005

Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: December 19, 2005

Item No.: 6-306-A thru 6-314-A

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

Acting Lieutenant David Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: 1.3.06

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

RE: Baltimore County
Item No. 311 JLL

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

RE: PETITION FOR VARIANCE
1025 Beach Road; E/S Beach Road,
290' S Marsh Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): James F. Green
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-311-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all 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 22nd day of December, 2005, a copy of the foregoing Entry of Appearance was mailed to, James Green, 1025 Beach Road, Baltimore, MD 21221, Petitioner(s).

RECEIVED

DEC 22 2005

Per

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.:

06-311 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PROPERTY ADDRESS 1025 Beach Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

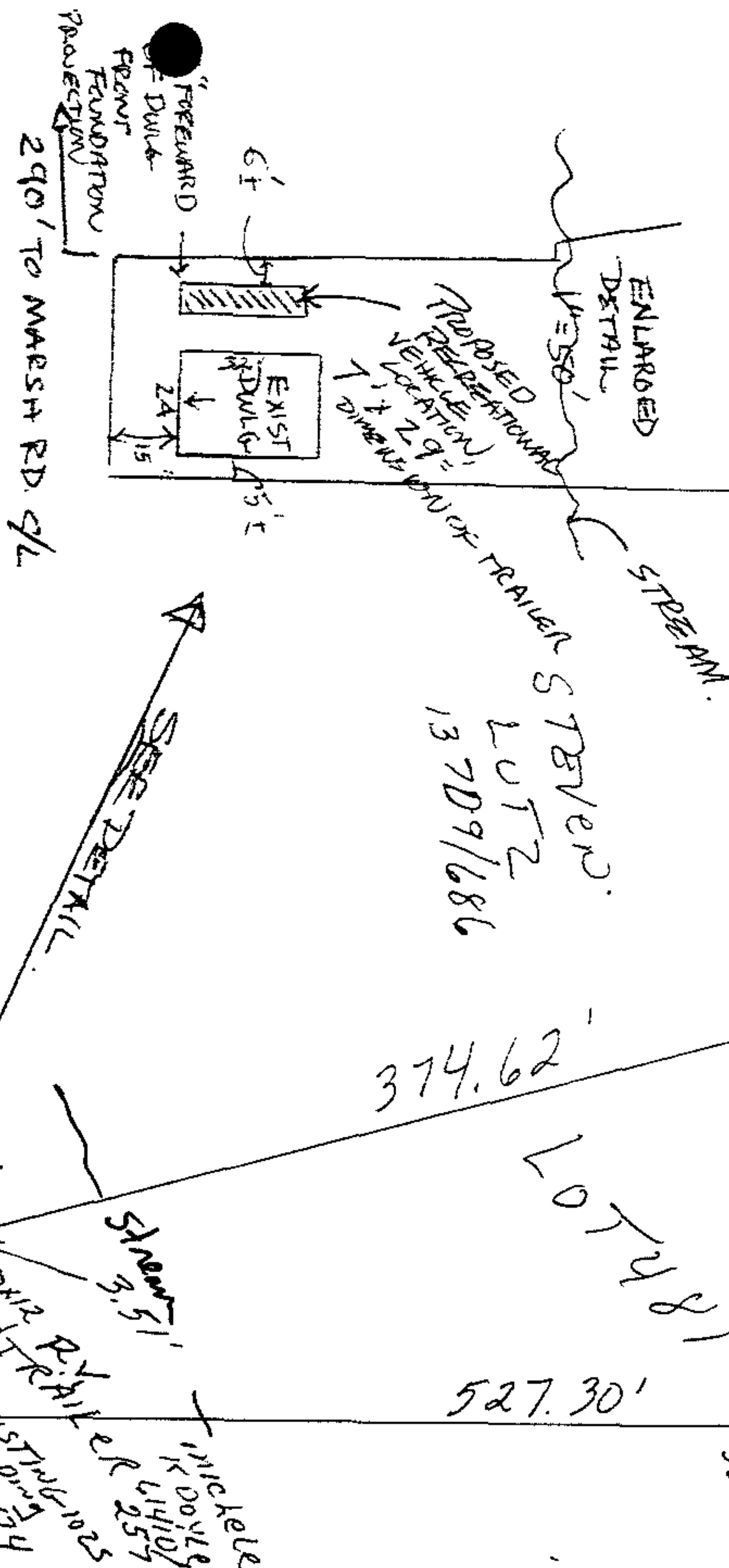
SUBDIVISION NAME Cedar Brook

PLAT BOOK # 13 FOLIO # 7 LOT # 481 SECTION #

OWNER JAMES BRENN

1950
12/16
12/16
12/16

Johnney Jones
Reed
56971752



NORTH

I can confirm the accuracy of
all information as obtained by
Barnett. Co.
J. H. Brown - 12/11/1905

Beach Rd Pot Lipscomb
40 Riva

PREPARED BY J F Green

SCALE OF DRAWING: 1" = 80'



VICINITY MAP
SCALE 1" = 1000'

Debar Creek

11/24/54

Bea CH

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # 105441

ZONING KCG

LOT SIZE

ACREAGE SQ. ARE FF

Public Law 91-13

SEWERS

WATF

CHEESAPEAKE BAY
CRITICAL AREAS

100 YEAR FLOOD 17.1 MIN

HISTORIC PROPERTY/ BUILDING

PRICING ZONING HEARINGS

ZONING OFFICE USE ONLY
REVISED BY ITEM # CASE #

ITEM

THE

311-06-311-A

UNDER CURRENT VIOLATION

Marsh Rd.

~~Bear~~

Bear



dead end.



Branch

Silver Lane

Holley Neck

311

Map # 105 A1

