IN RE: PETITION FOR VARIANCE Corner Northwest Side Danube Court and Southwest Side of Parkholme Circle 4th Election District 3rd Councilmanic District **(2 Danube Court)** Gardner L. and Mildred R. Jackson *Petitioners*	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-367-A

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

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Lawrence M. Hammond, Esquire, Counsel for Petitioner.

Original Case

The Petitioners, Gardner L. and Mildred R. Jackson, originally filed a Petition for Variance for property located at 2 Danube Court in the Reisterstown area of Baltimore County. The relief was requested from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with a side yard of 1 foot in lieu of the required 8 feet. This request was denied in an Order dated March 22, 2006 on the basis that the Petitioner would have to enter onto his neighbor's (Ms. Dempsey) property to maintain an addition only 1 foot from the property line. However, the Petitioner was invited to obtain a written easement from his neighbor that would grant him the right to enter onto the neighbor's property for this purpose, and which written easement could be recorded in the land records thus binding Ms. Dempsey and her successors.

Motion for Reconsideration

On April 20, 2006, Lawrence Hammond Esquire, who now represents the Petitioner, filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order dated March 22, 2006. Mr. Hammond delivered to a copy of a signed agreement for an easement for

temporary maintenance of the addition between the Petitioners in this matter and Margaret M. Dempsey as requested in this Commission's Order.

Findings of Fact and Conclusions of Law

After reviewing the proposed easement agreement, and the Petitioners' Motion for Reconsideration, I will grant the Petitioners' Motion for Reconsideration and the requested variance. Ms. Dempsey clearly agrees to the Petitioners coming onto her property to maintain the addition, and remarkably is willing to bind her successors to this agreement.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The Petitioners' home is skewed with respect to the property lines, which affects a corner of the addition. Therefore, I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner would be unable to enclose the existing deck, which is the most economical way to find additional space for his family's needs.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Ms. Dempsey's kindness in granting the Petitioner a temporary maintenance easement eliminates the adverse impact on the community.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 26th day of April 2006, by this Deputy Zoning Commissioner, that the Petitioners' Motion for Reconsideration, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petitioners' request for variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with a side yard of 1 foot in lieu of the required 8 feet, be and is hereby GRANTED, subject to the following conditions:

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

2. The Petitioner shall comply with that portion of the ZAC comments from the Office of Planning dated February 28, 2006 which requests the Petitioner to construct the addition with building materials similar in type and color to the existing dwelling.

3. When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

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

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

c: Gardner L. & Mildred Jackson, 2 Danube Court, Reisterstown, MD 21136
Joseph L. Katz, Esq., 6622 Edenvale Road, Baltimore, Maryland 21209
Lawrence Hammond Esq. 465 Main Street Reisterstown MD 21136
Margaret Dempsey, 217 Parkholme Circle Reisterstown MD 21136

ORDER RECEIVED FOR FILING
Date 4/26/06
By Rej

IN RE: PETITION FOR VARIANCE Corner Northwest Side Danube Court and Southwest Side of Parkholme Circle 4th Election District 3rd Councilmanic District **(2 Danube Court)** Gardner L. and Mildred R. Jackson *Petitioners*	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-367-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Gardner L. and Mildred R. Jackson. The variance request is for property located at 2 Danube Court in the Reisterstown area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with a sideyard of 1 foot in lieu of the required 8 feet.

The property was posted with a notice of the public hearing date and time on February 28, 2006 and notice was given to the general public by publication in the Jeffersonian Newspaper on February 28, 2006.

Interested Persons

Appearing at the hearing on behalf of the variance request was Gardner Jackson, Petitioner. There were no protestants at the hearing. Joseph Katz, Esq. attended the hearing for informational purposes. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

Date 3-22-06 By

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of

Planning dated February 28, 2006 which did not recommend approval of the variance; a copy of this comment is attached hereto and made a part hereof.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 05-5832) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that permits are required for the addition on the side of the house and for the front porch.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

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

Date 3-22-06
By

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. Jackson indicated that he purchased his home at 2 Danube Court in 2000 which included a deck in the side yard. His home is located on the corner of Danube Court and Parkholme Circle. The deck had a roof as well so that when he needed additional space for family storage, computer room etc., he simply enclosed the porch himself. Unfortunately, he did not realize that he needed a permit to enclose the porch and eventually was cited for zoning violation.

He pointed out that his house is skewed with respect to his property lines so that although the enclosed porch is 1 foot from the property line on one end, it is 5 feet from the property line on the other end. This came up because of the potential problem of maintaining the enclosed porch without going onto the neighbor's property, if the end of the porch is only 1 foot from the property line. He noted that he had room on most of the addition to maintain it on his property. In addition, he spoke to his neighbor who would be most affected by the addition who had no objection to it as the porch was already there.

Mr. Jackson indicated that he could not add an addition of the same size and function on the Danube Court side of his property because the regulations require 25-foot setback from the road. However, he admitted that he had room for an addition on the rear of the house but without the existing structure of the deck and roof, he would not be able to afford such an addition.

Findings of Fact and Conclusions of Law

I find that the property is unique from a zoning standpoint as the house is skewed on the lot which is the kind of peculiar circumstance envisioned as the first test under Section 307 of the B.C.Z.R. There is an obvious hardship if the regulations are strictly enforced as he would not be able to enclose the porch which his family needs for additional space. There is no density issue. His request also meets the spirit and intent of the DR 5.5 zoning regulations.

My concern is whether or not granting the variance would adversely affect the neighborhood and more particularly his next door neighbor. There is no way for the Petitioner to maintain the addition on his property with only one foot between the property line and the side of the addition. He could not maintain the roof without the ladder going onto his neighbors yard.

The Petitioner testified that he spoke to that neighbor who had no objection. My concern is that a future neighbor might not be so generous. I can not impose any requirement on the neighbor that the Petitioner can go onto the neighbor's property for this purpose. Consequently I must deny the request unless the neighbor signs a proper document that allows the Petitioner to temporarily go onto the neighbor's property. That document must be recorded in the land records to put future buyers of the neighbor's house on notice of this arrangement.

I will deny the request given the evidence I have, but, if the Petitioner has a proper document prepared which is signed by the neighbor and subsequently is recorded in the land records, I will look at this issue again. To take advantage of this approach, the Petitioner must have an attorney draft the document, have the neighbor sign it, and send a copy to me all within 30 days of the date of this Order. I will then treat the Petitioner's letter as a Motion for Reconsideration.

ORDER RECEIVED FOR FILING
Date 3-22-06
By

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22 day of March, 2006, that a variance request from 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with a sideyard of 1 foot in lieu of the required 8 feet, be and is hereby DENIED.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

PETITION RECEIVED FOR FILING
Date 3-22-06
By Deputy ZC

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 21, 2006

Gardner L. Jackson
Mildred R. Jackson
2 Danube Court
Reisterstown, Maryland 21136

Re: Petition for Variance
Case No. 06-367-A
Property: 2 Danube Court

Dear Mr. and Mrs. Jackson:

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

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

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Joseph L. Katz, Esq., 6622 Edenvale Road, Baltimore, Maryland 21209
People's Counsel; Code Enforcement; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2 DANUBE CT.

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 Variance from Section(s) 1B02.3.B (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH A SIDEYARD OF 1' IN LIEU OF THE REQUIRED 8'.

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

TO BE DISCUSSED AT THE HEARING

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.

LEGAL OWNER

[redacted]:

MICHELLE L. JACKSON
Name - Type or Print

Michelle L Jackson
Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

MR. GARDNER L JACKSON
Name - Type or Print

Gardner L Jackson
Signature

MRS MILDRED R JACKSON
Name - Type or Print

Mildred R Jackson
Signature

2 DANUBE CT 410-833-2149
Address Telephone No.

REISTERSTOWN MD 21136
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Representative to be Contacted:

SAME
Name

AS
Address Telephone No.

ABOVE
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-367-A

Reviewed By CTM **Date** 1/27/06

REV. 9/15/98

ZONING DESCRIPTION FOR 2 DANUBE CT.
(address)

Beginning at a point on the NORTH, WEST side of
(north, south, east or west)

~~PARKHOLME CIRCLE~~ DANUBE CT which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 0 SOUTH, WEST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street PARKHOLME CI
(name of street)

which is 50' wide. *Being Lot # 16A,
(number of feet of right-of-way width)

Block H, Section # 4 in the subdivision of PLAT 2 OF SUBURBIA
(name of subdivision)

as recorded in Baltimore County Plat Book # 30, Folio # 104,

containing 7,252. Also known as 2 DANUBE CT.
(square feet or acres) (property address)

and located in the 4 Election District, 3 Councilmanic District.

#367

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: #06-367-A
2 Danube Court
Corner northwest side Danube Court and southwest side of Parkholme Circle
4th Election District
3rd Councilmanic District
Legal Owner(s): Mildred R. and Gardner L. Jackson & Michelle L. Jackson
Variance: to permit an existing single-family dwelling with a side yard of 1 foot in lieu of the required 8 feet.
Hearing: Wednesday, March 15, 2006 at 2:00 p.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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 2/739 Feb. 28 85853

CERTIFICATE OF PUBLICATION

3/2, 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 2/28, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1080

DATE 1/27/06 ACCOUNT R001 2006 6150

AMOUNT $ 65.00

RECEIVED FROM: G. Jackson

FOR: 06-267-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTION	TIME	DRW
1/30/2006	1/27/2006	15:01:53	4

REG WORK BALTIMORE COUNTY MD
RECEIPT # 436599 1/27/2006 OFLN
Dept 5 528 ZONING VERIFICATION
OR NO. 001080
Recpt Tot $65.00
$.00 CK $65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-367A

Petitioner/Developer:

Gardner Jackson

Date of Hearing/Closing: 3-15-06

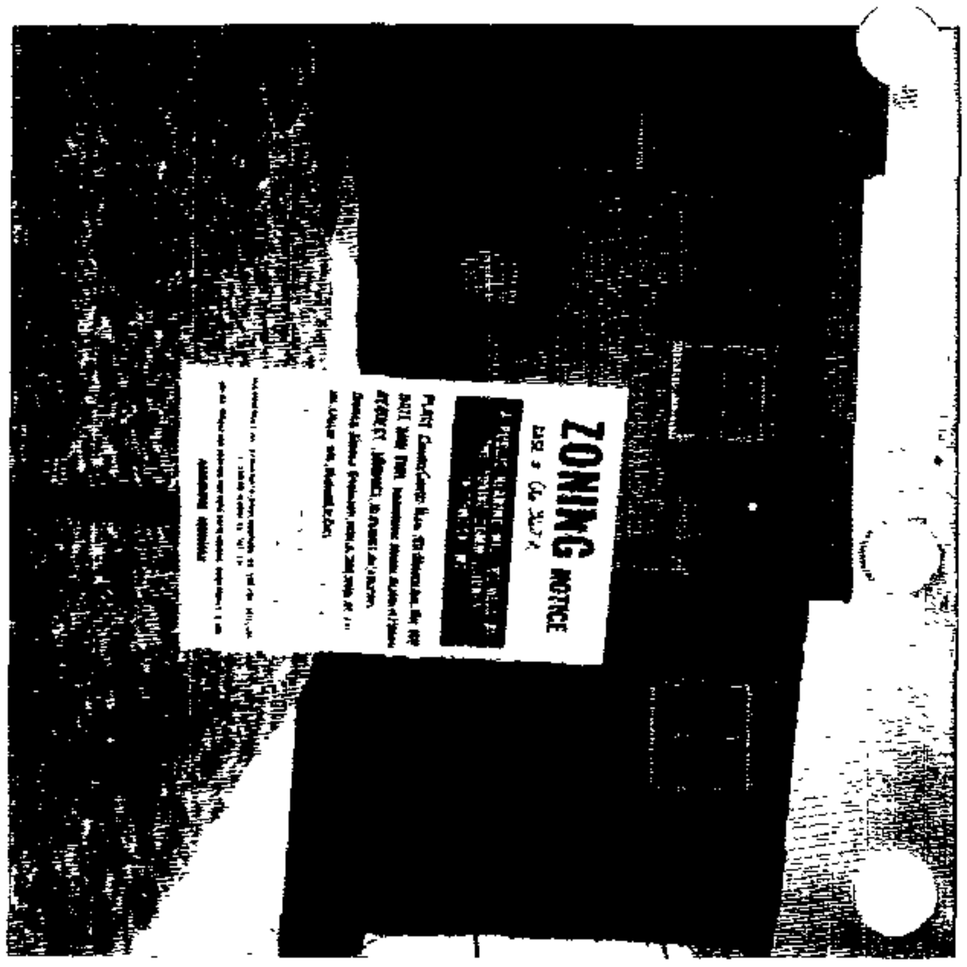
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

Attention:

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 at
2 Danube Drive Reisterstown, MD 21136

The sign(s) were posted on February 28, 2006
(Month/Day/Year)



Sincerely,

Stacy Gardner 2/28/06
(Signature of Sign Poster/Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784
(Address)

410-781-4000
(Date) Phone

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 28, 2006 Issue - Jeffersonian

Please forward billing to:
Gardner L. Jackson (410-833-2149)
2 Danube Court
Reisterstown, MD 21136

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: 06-367-A
2 Danube Court
Corner northwest side Danube Court and southwest side of Parkholme Circle
4th Election District - 3rd Councilmanic District
Legal Owners: Mildred R. and Gardner L. Jackson & Michelle L. Jackson

Variance to permit an existing single-family dwelling with a side yard of 1 foot in lieu of the required 8 feet.

Hearing: Wednesday, March 15, 2006 @ 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

@ 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(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

February 17, 2006

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: 06-367-A
2 Danube Court
Corner northwest side Danube Court and southwest side of Parkholme Circle
4th Election District - 3rd Councilmanic District
Legal Owners: Mildred R. and Gardner L. Jackson & Michelle L. Jackson

Variance to permit an existing single-family dwelling with a side yard of 1 foot in lieu of the required 8 feet.

Hearing: Wednesday, March 15, 2006 @ 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco
Director

TK: raj
C: Mildred R. & Gardner L. Jackson, 2 Danube Ct., Reisterstown, MD 21236
Michelle L. Jackson, 2 Danube Ct., Reisterstown, MD 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 28, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: 06-367-A

Petitioner: GARDNER L. JACKSON

Address or Location: 2 DANUBE CT REISTERSTOWN MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARDNER L JACKSON

Address: 2 DANUBE CT
REISTERSTOWN MD
21136

Telephone Number: 410-833-2149

Revised 7/11/05 - SCJ

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

March 6, 2006

Gardner L. Jackson
Mildred R. Jackson
2 Danube Ct.
Reisterstown, MD 21136

Dear Mr. and Mrs. Jackson:

RE: Case Number: 06-367-A, 2 Danube Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 27, 2006.

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:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 28, 2006

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

SUBJECT: 2 Danube Court

INFORMATION:

Item Number: 6-367

Petitioner: Gardner, Mildred and Michelle Jackson

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning is concerned about the 1-foot side yard variance request and that the construction occurred without a building permit. The office **does not** recommend approval of the requested variance.

If the petitioner is able to demonstrate a hardship or practical difficulty, resulting in the Zoning Commissioner granting the variance, the exterior building materials should be similar in type and color to the existing dwelling.

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

Prepared by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREVVZAC\6-367.doc

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

February 24,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 13, 2006

Item No.: Item Numbers 356,364,366 through 374
367

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.

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

LT. Roland P. Bosley Jr.
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Printed with Soybean Ink

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 21, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2006
Item Nos. 356, 364, 366, 367, 369, 370, 371, and 374

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-02212006.doc

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 2.10.02

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

RE: Baltimore County
Item No. 367 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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 2 Danube Court; Corner NW/S Danube Court & SW/S Parklohme Circle 4th Election & 3rd Councilmanic Districts Legal Owner(s): Gardner & Mildred Jackson* Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-367-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 10th day of February, 2006, a copy of the foregoing Entry of Appearance was mailed to, Gardner & Mildred Jackson, 2 Danube Court, Reisterstown, MD 21136, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
FEB 10 2006
Per

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 9, 2006

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:

Item No.:	367
Legal Owner/Petitioner	Jackson, Gardner & Michelle
Contract Purchaser:	N/A
Property Address:	2 Danube Ct.
Location Description:	NW corner Danube Ct & SW side Parkholm Cir

VIOLATION INFORMATION:

Case No.	05-5832
Defendants:	Jackson, Gardner & Michelle

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
May Richardson	410-833-1080

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

☐	1.	Complaint letter/memo/email/fax (if applicable)
X	2.	Complaint Intake Form/Code Enforcement Officer's report and notes
X	3.	State Tax Assessment printout
☐	4.	State Tax Parcel Map (if applicable)
☐	5.	MVA Registration printout (if applicable)
☐	6.	Deed (if applicable)
☐	7.	Lease-Residential or Commercial (if applicable)
☐	8.	Photographs including dates taken
X	9.	Correction Notice/Code Violation Notice
☐	10.	Citation and Proof of Service (if applicable)
☐	11.	Certified Mail Receipt (if applicable)
☐	12.	Final Order of the Code Official/Hearing Officer (if applicable)
☐	13.	Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
☐	14.	Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/ph
C: Code Enforcement Officer

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

4

Code Enforcement:	410-887-3351	Plumbing Inspection:	410-887-3620
Building Inspection:	410-887-3953	Electrical Inspection:	410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No.	Zoning:
05-5832		

Name(s): Jackson Gardener

Address: 2 Danube CT

Violation Location: 2 Danube CT

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRC Sec 105 - Permit required for Addition on side of house and for Front porch - obtain all required Permits. Variance may be required for Side Addition.

Stop Work! $500.00 Fine

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
9/7/15	8/24/15

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Paul Hohne

INSPECTOR: [signature]

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
9/7/15	8/24/15

INSPECTOR NAME: Paul Hohne
(PRINT NAME)

Copy Distribution: White: Agency Yellow: Violation Site Pink: Defendant Goldenrod: Remains in Book

Rev. 5/05

entering KH

CODE ENFORCEMENT REPORT

up

DATE: 8/23/05 INTAKE BY: [illegible] CASE #: 05-5832 INSPEC: _____

COMPLAINT LOCATION: 2 DANUBE CT.

ZIP CODE: _____ DIST: 4

COMPLAINANT NAME: MARY RICHARDSON PHONE #: (H) (410) 933-7080 (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: ENCLOSE REAR. DECK & CONSTRUCT FRONT DECK NO PERMITS

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ **ZONING:** _____

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

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 -** 04 **Account Number -** 0423036470

Owner Information

Owner Name: JACKSON GARDENER L/MILDRED R
JACKSON MICHELLE L

Mailing Address: 2 DANUBE CT
REISTERSTOWN MD 21136-3404

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /14790/ 5
2)

Location & Structure Information

Premises Address
2 DANUBE CT

Legal Description
2 DANUBE CT
SUBURBIA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	2
49	19	152			4	H	16A	1	Plat Ref:	30/ 104

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1965	1,008 SF	7,252.00 SF	04

Stories	Basement	Type	Exterior
SPFOY		SPLIT FOYER	SIDING

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	31,250	43,250		
Improvements:	83,560	93,510		
Total:	114,810	136,760	129,442	136,760
Preferential Land:	0	0	0	0

Transfer Information

Seller:	WAESCHE CHARLES CARROLL	Date:	11/02/2000	Price:	$120,500
Type:	IMPROVED ARMS-LENGTH	Deed1:	/14790/ 5	Deed2:	
Seller:	WHEELER PETER M	Date:	03/31/1971	Price:	$21,500
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 5175/ 803	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 *

GB

Cod[redacted]nforcement - Daily Worksh[redacted]

Inspector -

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	05-5832	2 DANUBE CT		21136	8/23/2005	

Tax Acct #: 0000000000

Owner: JACKSON, GARDENER/MILDRED/MICHELLE

Complainant Name: (Last) RICHARDSON (First) MAE
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) 410/833-1080 (Work)

Problem: ENCLOSE REAR DK & CONSTRUCT FRONT DK W/O PERMITS

8/24/5- Found small front porch being built about 8'x12' x 1' off ground. Also found addition being constructed on side of house, very close to property line, Variance may be required. Issued stop work and $500 fine. Recheck 9/7 complainant called left message

GB

HAMMOND & HAMMOND, L.L.C.
ATTORNEYS AT LAW
465 MAIN STREET
P. O. BOX 569
REISTERSTOWN, MARYLAND 21136-0569
(410) 833-7576
FAX: (410) 833-4744

LLOYD J. HAMMOND (RETIRED)
LAWRENCE M. HAMMOND

OF COUNSEL
DOUGLAS S. CURTIS

April 20, 2006

VIA HAND DELIVERY

The Honorable John V. Murphy
Deputy Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 06-367-A, 2 Danube Court

Dear Mr. Murphy:

Pursuant to your Order dated March 22, 2006, I have previously delivered to your office a copy of an agreement to provide easement by and between the Petitioner in the above captioned matter and Margaret M. Dempsey. I have enclosed herewith an additional copy of said agreement. As set forth in the terms of said Order, please consider this letter as the Petitioner's Motion for Reconsideration. I thank you for your attention to this matter.

Sincerely yours,

Lawrence M. Hammond

cc: Gardner Jackson

FAX COVER SHEET

Date: 2/21/06

To: Susan Nemiroff

Jeffersonian

Fax number: 410-995-4278

From: Robin Bowing (PDM)

Fax number: 410-887-3391

Number of pages (including this cover sheet): 5

Message: Notices for publication: 2/28/06

06-364-SPH

06-367-A

06-374-A

06-366-SPHA

If any part of this fax transmission is missing or not clearly received please call:

Name: Robin

Phone number: 410-887-3391

AGREEMENT TO PROVIDE EASEMENT

THIS AGREEMENT TO PROVIDE EASEMENT (the "Agreement") is made this 10 day of April, 2006, by and between **MARGARET M. DEMPSEY**, party of the first part and **GARDNER L. JACKSON, MILDRED R. JACKSON and MICHELLE L. JACKSON**, parties of the second part.

RECITALS

WHEREAS, the party of the first part is the owner, in leasehold, of record and in fact, legally and beneficially, of a certain parcel of real property located in the 4th Election District of Baltimore County, and being known as Lot 17 as shown on Plat No.: 2 of "Suburbia", which plat is recorded among the Land Records of Baltimore County in Plat Book 29, folio 148, the improvements thereon being known and designated as 217 Parkholme Circle, Reisterstown, Maryland 21136; and

WHEREAS, the parties of the second part is the owner, in fee simple, of record and in fact, legally and beneficially, of a certain parcels of real property located in the 4th Election of Baltimore County, being known as Lot 16A as shown on Plat No.:2 of "Suburbia", which plat is recorded among the Land Records of Baltimore County in Plat Book 30, folio 104, the improvements thereon being known and designated as 2 Danube Court, Reisterstown, Maryland 21136; and

WHEREAS, the hereinabove described lots of the party the first part and the parties of the second part respectively are adjoining lots; and

WHEREAS, The parties of the second part have filed a

Petition for Variance in Case No. 06-367-A, seeking a side-yard of 1 foot in lieu of the required 8 feet, as shown on the Plat to Accompany Petition for Zoning Variance, which is attached hereto and incorporated as Exhibit "A"; and

WHEREAS, the party of the first Part wishes to memorialize her support of the parties of the second part Petition for Zoning Variance.

NOW, THEREFORE, WITNESSETH, in consideration of the foregoing recitals, each of which is incorporated herein by reference, the mutual covenants and agreements herein contained, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the party of the first party and the parties of the second party agree as follows:

1. That the party of the first part hereby supports the Petition for Variance filed by the parties of the second part in Case No 06-367-A.

2. That the parties of the second part, and their personal representatives, heirs and assigns shall have the right to enter onto the property of the party of the first part for the limited purpose of maintaining the addition to the parties of the second part's house, which is shown and designated as the hatched area on Exhibit "A".

3. That the parties of the second part agrees to indemnify and save the party of the first part harmless from all claims arising by reasons of such entities.

4. This Agreement contains the final and entire agreement between the parties and neither they nor their agents should be bound by any terms, conditions or representations not herein

written.

5. The parties hereto bind themselves, their heirs, personal representatives, successors and assigns for the faithful performance of this Agreement.

6. The captions of this Agreement are for convenience and reference only and in no way define or limit the intent, rights or obligations of the parties hereunder.

7. This Agreement shall be construed by application of the laws of the State of Maryland.

8. Whenever used, the singular shall include the plural, and the plural, the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement and affixed their seals hereto on the day and year first above written.

WITNESS/ATTEST:

_____ Margaret M Dempsey (SEAL)
MARGARET M. DEMPSEY,
Party of the First Part

_____ Gardner L Jackson (SEAL)
GARDNER L. JACKSON

_____ Mildred R Jackson (SEAL)
MILDRED R. JACKSON

_____

_____ (SEAL)
MICHELLE L. JACKSON,
Parties of the Second Part

STATE OF MARYLAND, CITY/COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY that on this 10 day of APRIL, 2006, before me, the subscriber, a Notary Public, personally appeared MARGARET M. DEMPSTER known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

_____
Notary Public

My Commission expires: MAY 1, 2009.

STATE OF MARYLAND, CITY/COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY that on this 10 day of APRIL, 2006, before me, the subscriber, a Notary Public, personally appeared GARDNER L. JACKSON, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

_____
Notary Public

My Commission expires: MAY 1 2009.

STATE OF MARYLAND, CITY/COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY that on this 10 day of APRIL, 2006, before me, the subscriber, a Notary Public, personally appeared MILDRED R. JACKSON, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

Notary Public

My Commission expires: MAY 1, 2009.

STATE OF MARYLAND, CITY/COUNTY OF ANNE ARUNDEL to wit:

I HEREBY CERTIFY that on this 10 day of APRIL, 2006, before me, the subscriber, a Notary Public, personally appeared MICHELLE L. JACKSON, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

Notary Public

My Commission expires: MAY 1, 2009.

c/LMH/Jackson/Agt/4/6/06

GEORGE A. SCHMITT JR.
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 1, 2009

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2 DANUBE CT

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

SUBDIVISION NAME SUBURBIA

PLAT BOOK #30 FOLIO # 184 LOT # 16A SECTION # 4

OWNER GARDNER & MILDRED & MICHELLE JACKSON

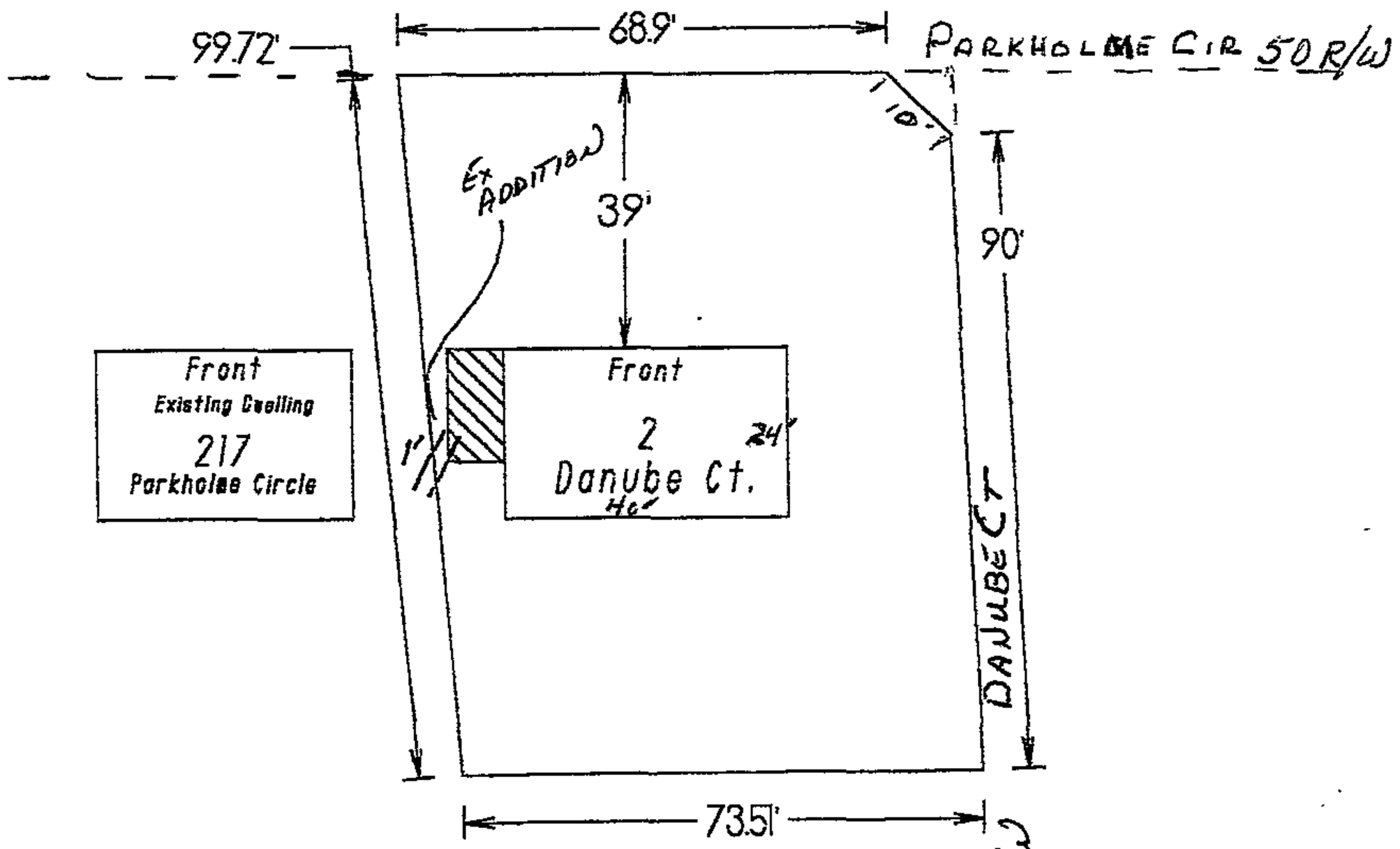
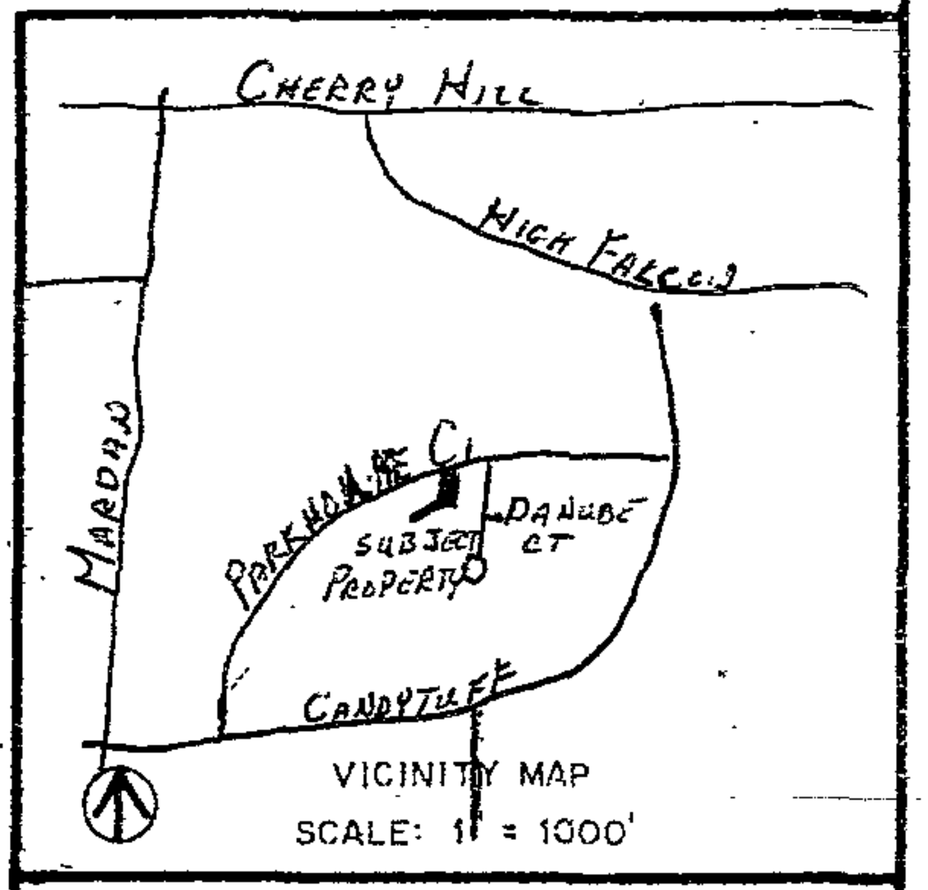


EXHIBIT "A"

NORTH



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # A49A3

ZONING D.R.5.5

LOT SIZE 0.17 ACREAGE 7252 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
LTM	367	

PREPARED BY GLJ

SCALE OF DRAWING: 1" = 30'

-15-

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 06-367A
DATE 3-15-06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
GARDNER L. JACKSON	2 DANUBE CT	REISTERSTOWN MD 21136	

PLEASE PRINT CLEARLY

CASE NAME 2 Dunks Court
CASE NUMBER 06 - 367 - A
DATE 3/15/06

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Joseph L. Katz	6622 Edenwald Rd.	Balt. MD 21209	joseph.katz@kaufmanandfeinman.com

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

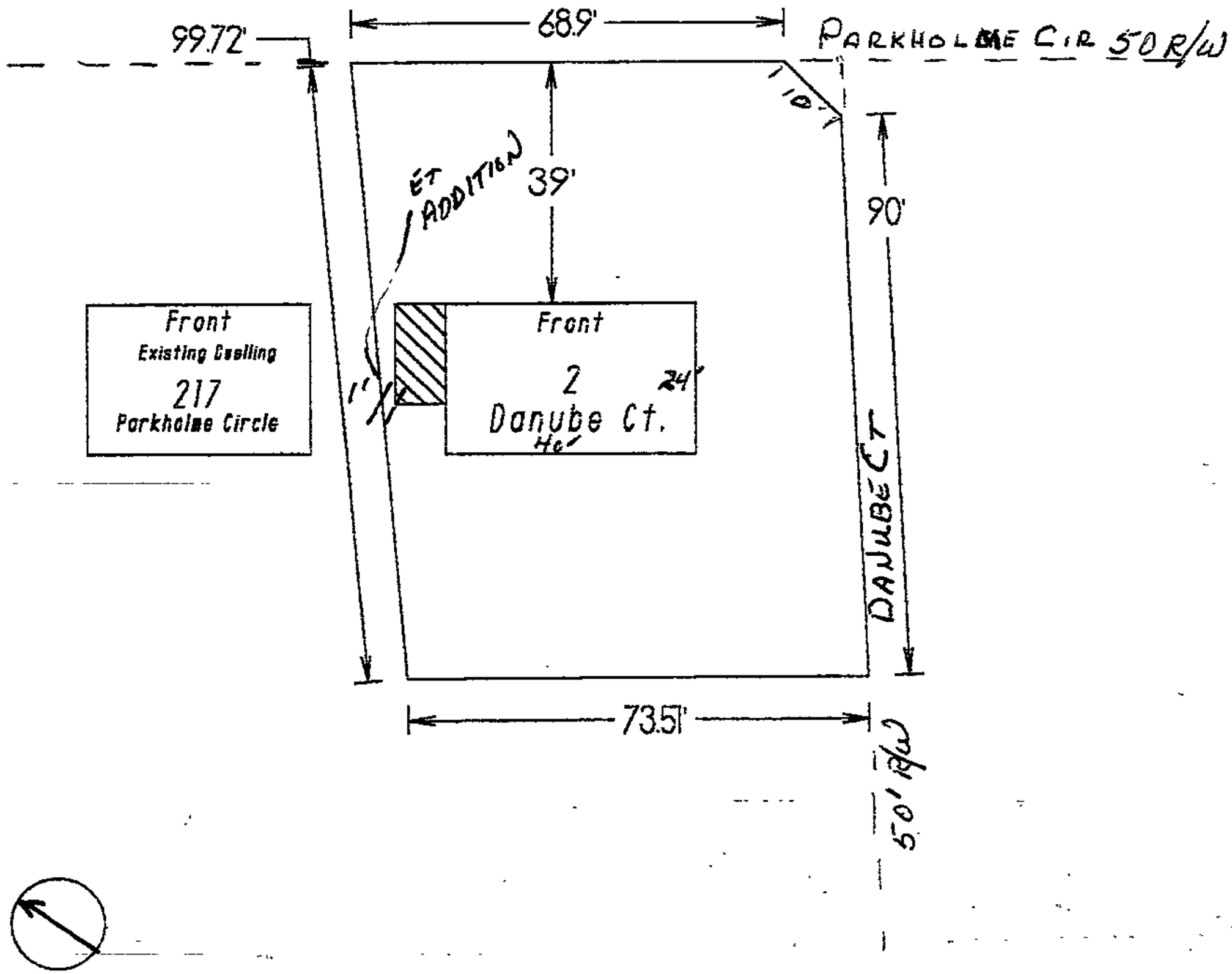
PROPERTY ADDRESS 2 DANUBE CT

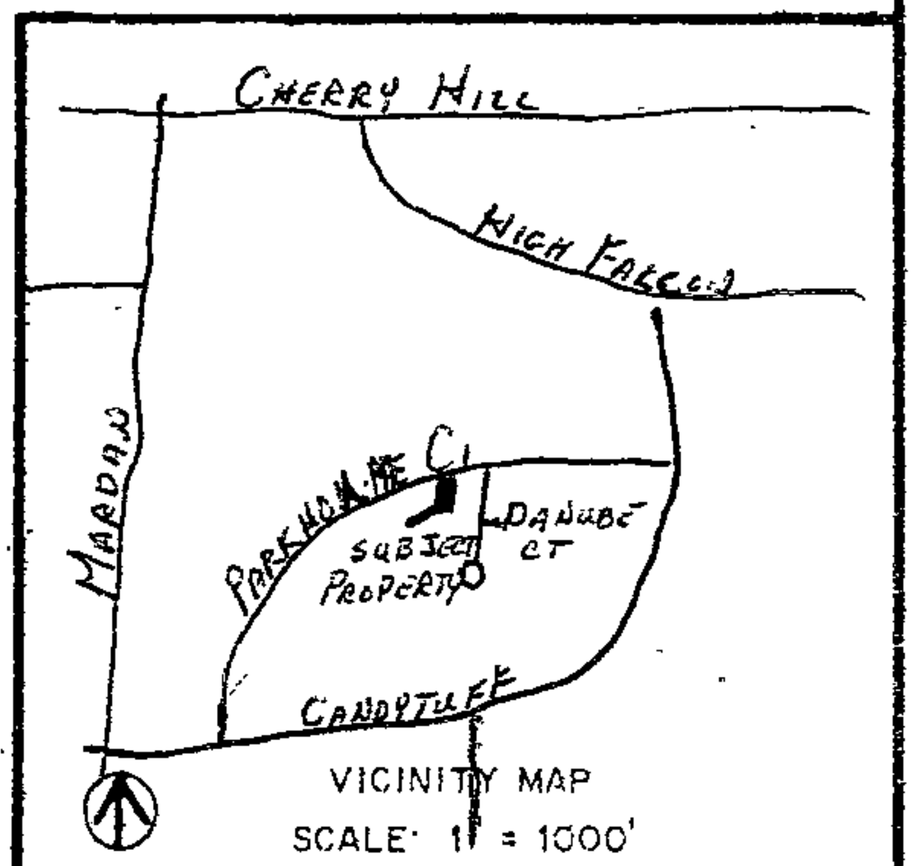
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME SUBURBIA

PLAT BOOK #30 FOLIO # 104 LOT # 16A SECTION # 4

OWNER GARDNER & MILDRED & MICHELLE JACKSON





LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # A4 9A3

ZONING D.R. 5.5

LOT SIZE 0.17 ACREAGE 7252 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
LTM	367	

PREPARED BY GLJ

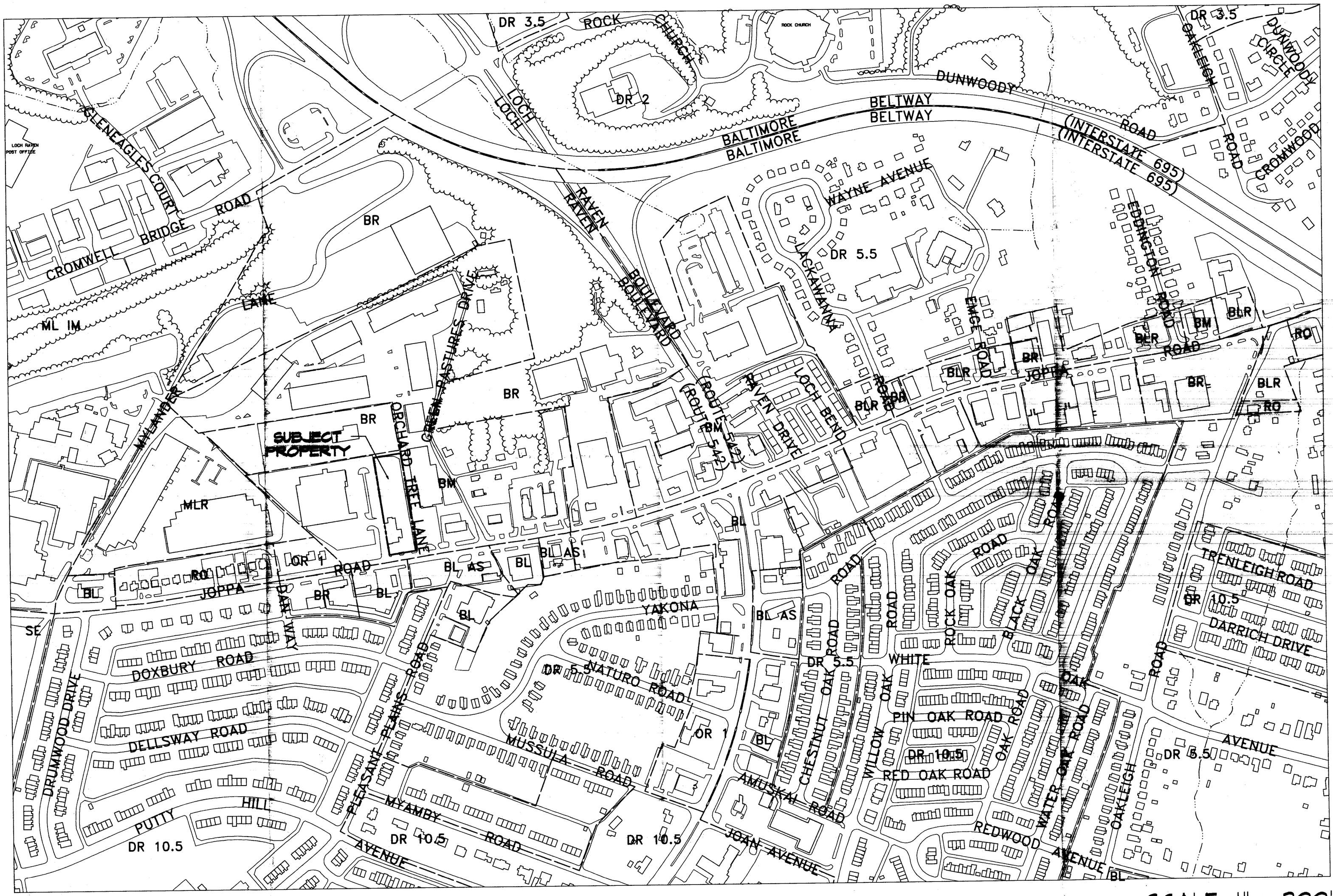
SCALE OF DRAWING: 1" = 30'

Pet #1

SITE

#367

049A3



ZONING MAP

GIS TILE: 7062

SCALE: 1" = 200'

SQUARE FOOTAGE

FIRST FLOOR	= 6087 SQ. FT.
SECOND FLOOR	= 1648 SQ. FT.
PIT BEEF STAND ALL	= 359 SQ. FT.
DECK	= 1145 SQ. FT.
TOTAL	= 9218 SQ. FT.

PARKING CALCULATIONS UNDER CURRENT REGULATIONS

MINIMUM NUMBER OF PARKING SPACES REQUIRED
20 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

TOTAL PARKING SPACES REQUIRED = 186

PARKING SPACES PROVIDED = 134

(see note 9)

SPECIAL HEARING REQUESTED

TO AMEND PREVIOUSLY APPROVED SITE PLAN IN ZONING CASE #64-238-A, AND

TO APPROVE A PIT BEEF STAND AS AN ACCESSORY USE TO THE EXISTING RESTAURANT/CATERING USE ON SITE.

VARIANCES REQUESTED

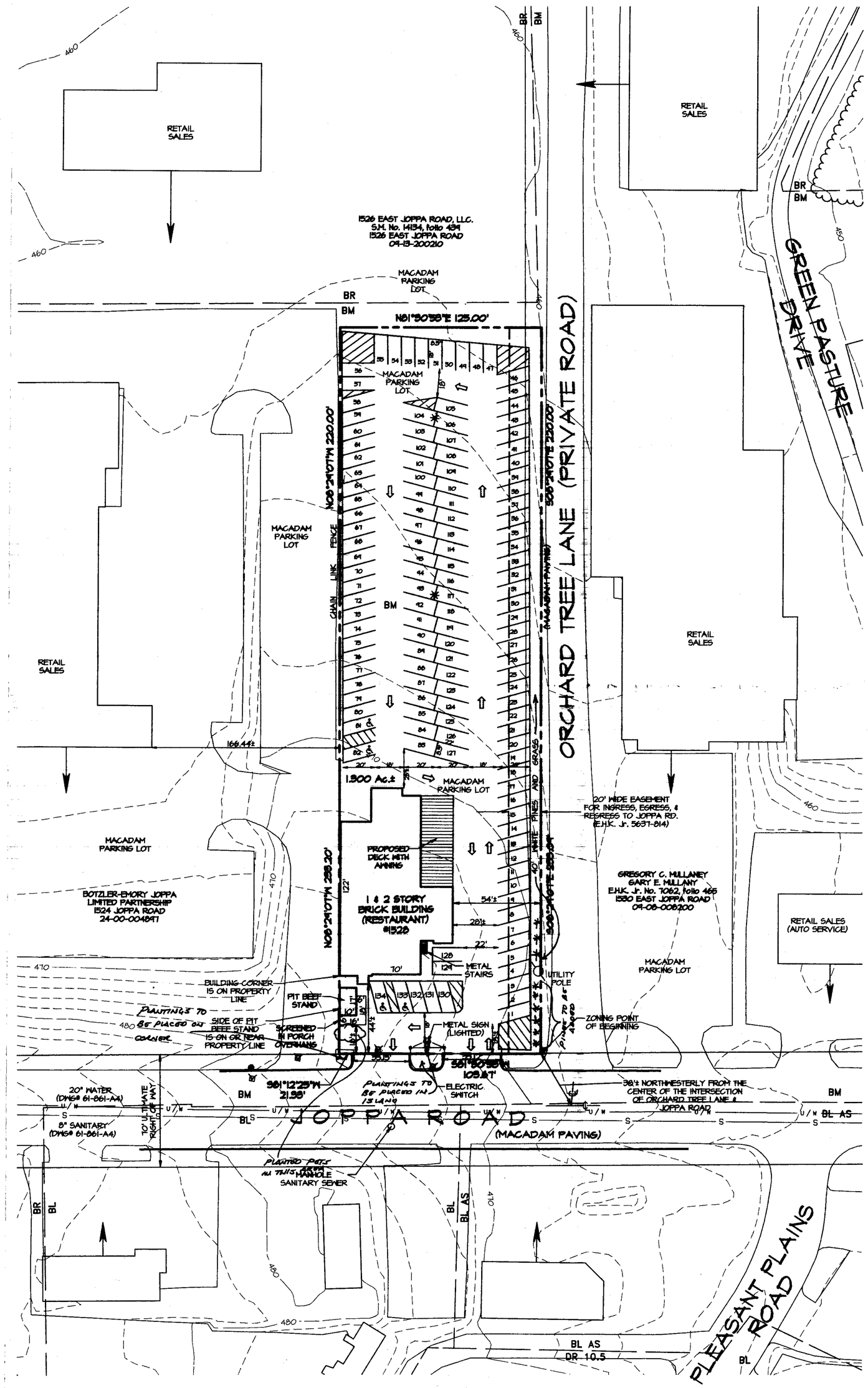
FOR A VARIANCE FROM SECTION 409 OF THE B.C.Z.R. TO APPROVE THE USE OF 134 PARKING SPACES RATHER THAN 175 PARKING SPACES AS REQUIRED.

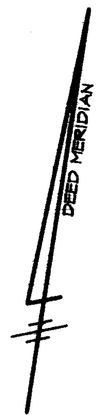
FOR A VARIANCE FROM THE BALTIMORE COUNTY LANDSCAPING MANUAL - CONDITION B PARKING LOTS TO APPROVE A LANDSCAPE BUFFER OF 0' ON THE NORTHERN & WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 6'.

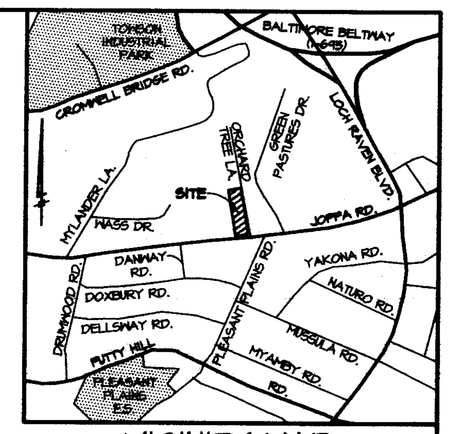
FOR A VARIANCE FROM THE BALTIMORE COUNTY LANDSCAPING MANUAL - CONDITION B PARKING LOTS TO APPROVE 0% OF THE PAVED INTERIOR TO BE USED FOR LANDSCAPING IN LIEU OF THE REQUIRED 7%.

LEGEND

EXISTING DWELLING
WOODS LINE
EXISTING PAVING
ZONING LINE
PROPERTY LINE
CONTOURS
WATER VALVE
MANHOLE
LIGHT POLE







VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE GIS TILE 7062.
3. CENSUS TRACT 4912.01 A.D.C. MAP & GRID 27 J7
   WATERSHED TOWSON FOURTH SUBDIVISION 50
   SCHOOL DISTRICT 109 REGIONAL PLANNING DISTRICT 3128
4. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
7. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
8. PRIOR ZONING CASES:
   CASE # 64-238-A: VARIANCE ALLOWING SIDEYARD SETBACK OF 3' IN LIEU OF 30'; VARIANCE ALLOWING 102 PARKING SPACES IN LIEU OF 104. RELIEF GRANTED ON 3/18/64.
   CASE # 78-9-A: VARIANCE ALLOWING 127 PARKING SPACES IN LIEU OF THE REQUIRED 171. VARIANCE APPROVING THE SIXTH ADDITION. RELIEF GRANTED 5/1/84.
9. PARKING CALCULATIONS:
   BASED ON PREVIOUS SITE PLAN ZONING CASE 64-238-A.
   SPACES PROVIDED: 134

OWNER/LESSOR
GETTIER-JOPPA, LLC
6102 GENTRY LANE
BALTIMORE, MD 21210-1035

LESSEE
DANA GANS
G & G'S CREATIVE CATERING
P.O. BOX 20218
BALTIMORE, MARYLAND 21284-0218
(410) 828-5080

PLAN SHOWING PROPOSED LANDSCAPING

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING AND VARIANCES

ON THE

GETTIER-JOPPA, LLC PROPERTY

1528 EAST JOPPA ROAD
Deed Ref: S.M. No. 12037, folio 18
Tax Account No.: 19-00-013830
Zoned: BM; GIS Tile: 7062
Tax Map 70; Grid 17; Parcel 87
9th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=40' Date: JANUARY 26, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

STATE OF MARYLAND — TIMOTHY E. ETZEL — No. 21382 — REGISTERED PROFESSIONAL LAND SURVEYOR — 1/20/06

REVISION	DATE	COMPUTED:	DRAWN: SMH	CHECKED: B.E.E.	FILE:X:\gane\REVISIONS 2006\2006 REVISIONS.pro

PETITIONER'S EXHIBIT NO. 4

SQUARE FOOTAGE

FIRST FLOOR	= 6071 SQ. FT.
SECOND FLOOR	= 1970 SQ. FT.
PIT BEEF STAND ALL	= 1338 SQ. FT.
DECK	= 1145 SQ. FT.
TOTAL	= 9216 SQ. FT.

PARKING CALCULATIONS UNDER CURRENT REGULATIONS

MINIMUM NUMBER OF PARKING SPACES REQUIRED
20 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

TOTAL PARKING SPACES REQUIRED = 186

PARKING SPACES PROVIDED = 134

(see note 9)

SPECIAL HEARING REQUESTED

TO AMEND PREVIOUSLY APPROVED SITE PLAN IN ZONING CASE #64-236-A, AND

TO APPROVE A PIT BEEF STAND AS AN ACCESSORY USE TO THE EXISTING RESTAURANT/CATERING USE ON SITE.

VARIANCES REQUESTED

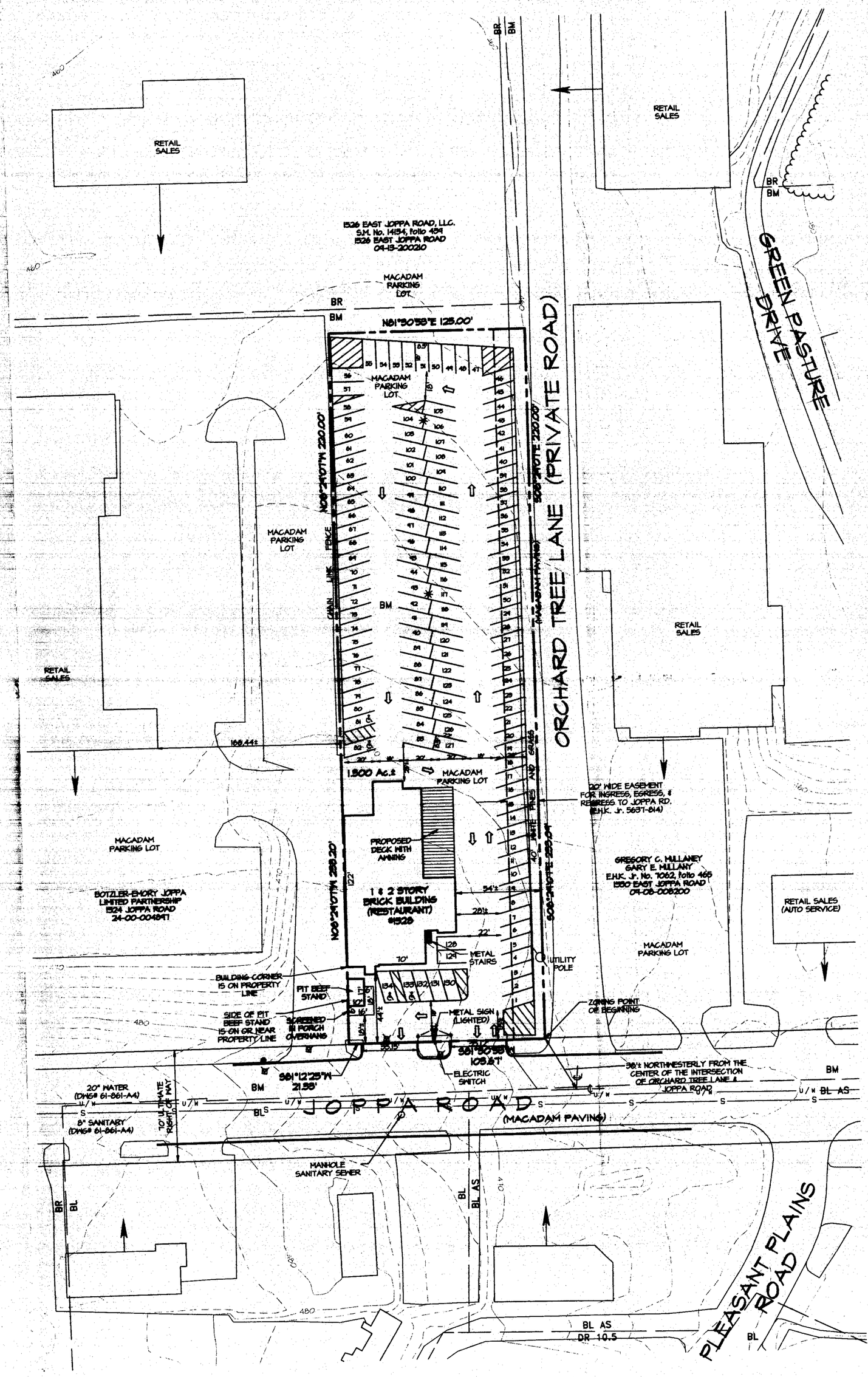
FOR A VARIANCE FROM SECTION 409 OF THE B.C.Z.R. TO APPROVE THE USE OF 134 PARKING SPACES RATHER THAN 175 PARKING SPACES AS REQUIRED.

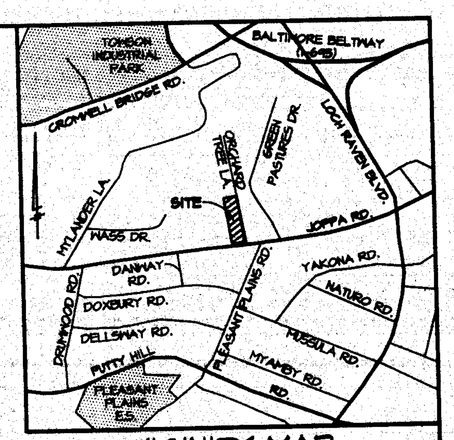
FOR A VARIANCE FROM THE BALTIMORE COUNTY LANDSCAPING MANUAL - CONDITION B PARKING LOTS TO APPROVE A LANDSCAPE BUFFER OF 0' ON THE NORTHERN & WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 6'.

FOR A VARIANCE FROM THE BALTIMORE COUNTY LANDSCAPING MANUAL - CONDITION B PARKING LOTS TO APPROVE 0% OF THE PAVED INTERIOR TO BE USED FOR LANDSCAPING IN LIEU OF THE REQUIRED 7%.

LEGEND

EXISTING DWELLING
MOODS LINE
EXISTING PAVING
ZONING LINE
PROPERTY LINE
CONTOURS
WATER VALVE
MANHOLE
LIGHT POLE





VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE 615 TILE '1062.
3. CENSUS TRACT 4812.01 A.D.C. MAP & GRID 27, J7
   WATERSHED TOWSON FOURTH SUBDIVISION 30
   SCHOOL DISTRICT 106 REGIONAL PLANNING DISTRICT 3538
4. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
7. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
8. PRIOR ZONING CASES:
   CASE # 64-236-A: VARIANCE ALLOWING SIDEYARD SETBACK OF 5' IN LIEU OF 50'. VARIANCE ALLOWING 103 PARKING SPACES IN LIEU OF 104. RELIEF GRANTED ON 5/18/64.
   CASE # 64-236-A: VARIANCE ALLOWING 121 PARKING SPACES IN LIEU OF THE REQUIRED 171. VARIANCE APPROVING THE 5'X23' ADDITION. RELIEF GRANTED 5/1/64.
9. PARKING CALCULATIONS:
   SPACES REQUIRED: 121 PER ZONING CASE 64-236-A.
   SPACES PROVIDED: 134

OWNER/LESSOR
GETTIER-JOPPA, LLC
6102 GENTRY LANE
BALTIMORE, MD 21210-1055

LESSEE
DANA GANS
G & G's CREATIVE CATERING
P.O. BOX 20218
BALTIMORE, MARYLAND 21284-0218
(410) 823-3050

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING AND VARIANCES ON THE GETTIER-JOPPA, LLC PROPERTY

1528 EAST JOPPA ROAD
Deed Ref: S.M. No. 12037, Folio 18
Tax Account No.: 19-00-013830
Zoned: BM; GIS Tile; 7062
Tax Map 70; Grid 17; Parcel 87
9th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

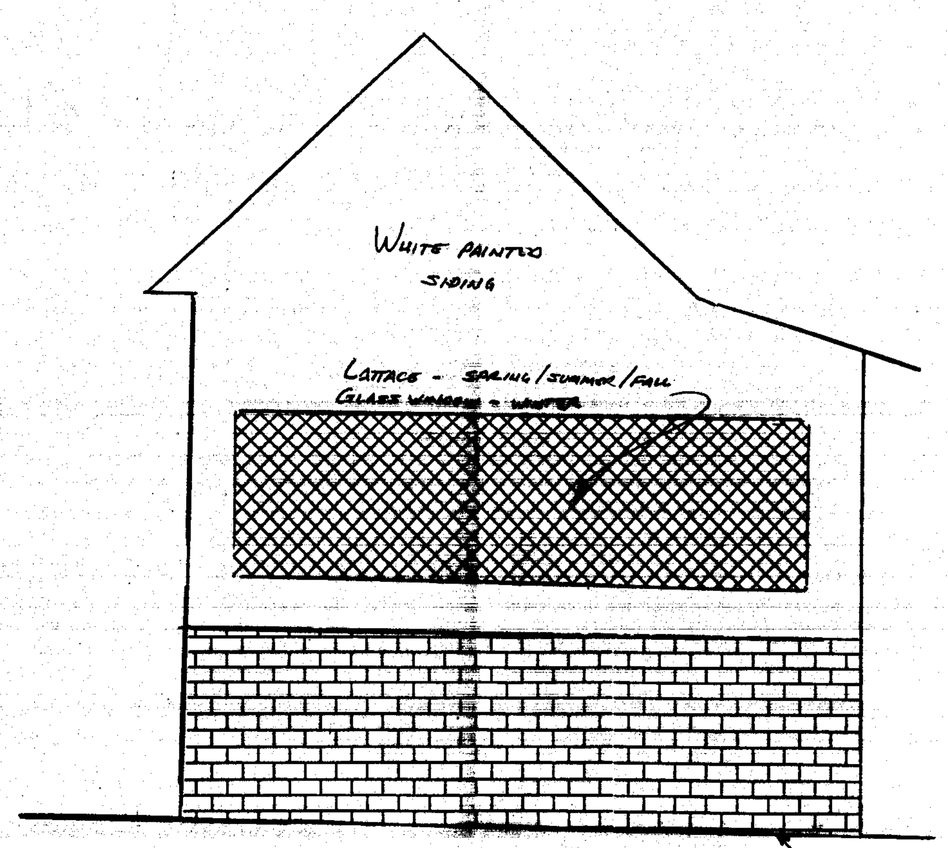
Scale: 1"=40' Date: JANUARY 26, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

STATE OF MARYLAND — CHRISTOPHER T. MYERS — No. 21601 — REGISTERED PROFESSIONAL LAND SURVEYOR
1/26/06

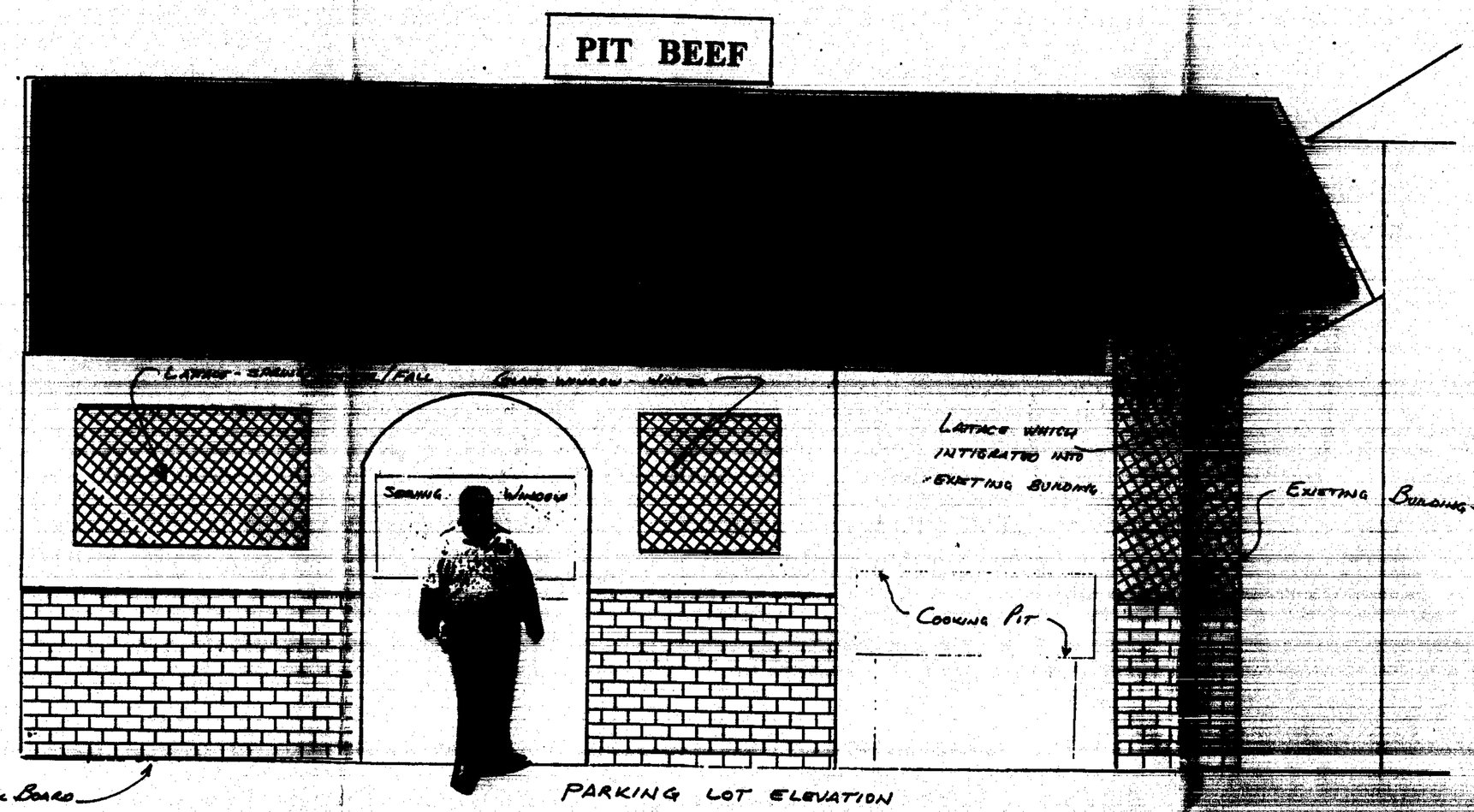
REVISION	DATE	COMPUTED:	DRAWN: SMH	CHECKED: B.E.D.	FILE: X:\gans\REVISIONS 2006\2006 R[illegible].dwg

PETITIONER'S EXHIBIT NO. 1

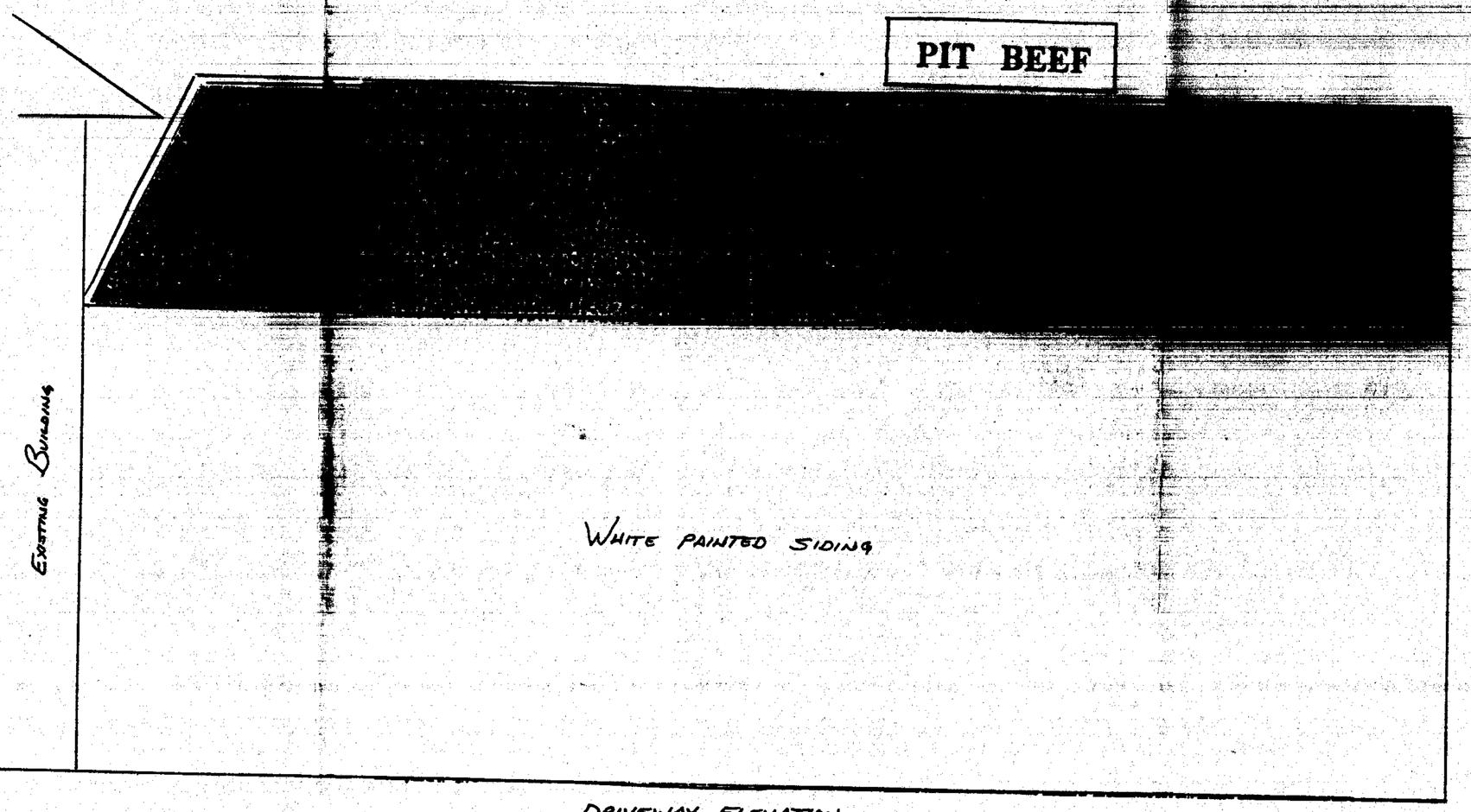


JOPPA ROAD ELEVATION

PAINTED BRICK BOARD



PARKING LOT ELEVATION



DRIVEWAY ELEVATION

PETITIONER'S
EXHIBIT NO. 2

ELEVATIONS FOR PROPOSED
PIT BEEF STAND

MARCH 13, 2006
DRAWING NOT TO SCALE