

IN RE: **PETITION FOR VARIANCE**
SW/S Liberty Parkway, 300' SE of the c/l
York Drive
(3462 Liberty Parkway)
12th Election District
7th Council District

Donald K. Miller, II
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-403-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, Donald K. Miller, II. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in the side yard, 3 inches from the side property line in lieu of the required rear yard with a minimum setback of 2.5 feet from the property line. 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 Donald K. Miller, II, the property owner. There were no Protestants or other interested parties present; however, this matter came before me as the result of an anonymous complaint registered with the Code Enforcement Division of the Department of Permits and Development Management relative to the subject shed. A resolution of the violation case (Case No. 05-8170) is pending the outcome of this variance request.

Testimony and evidence offered at the hearing disclosed that the subject property is a rectangular shaped parcel, located on the southeast side of Liberty Parkway, just north of Loganview Road and Dundalk Avenue in Dundalk. The property contains a gross area of 6,150 sq.ft., more or less, zoned D.R.5.5, and is improved with a 1½-story single family dwelling, a detached garage, and the subject shed. Other improvements on the site include a pond, and a macadam/concrete driveway that leads to a parking area and the existing garage to the rear of the property. As shown on the site plan, the shed in question is 7' x 10' in dimension and is located in

RECEIVED FOR PLANS

Date

4-21-06

By

Deborah J. [Signature]

the side yard immediately adjacent to the rear, southeast corner of the existing dwelling, approximately 3 inches from the property line. The shed is located just beyond the pond, which is situated adjacent to a rear screened porch on the back of the house.

Mr. Miller testified that he has owned and resided on the property since April 2005. He testified that when he purchased the property, there was a larger 8' x 16' shed located in the center of the rear yard which took up a large portion of the rear yard space. He indicated that because he has two dogs that need room for exercise and play, he removed the old shed and built the new shed near the house as shown on the plan. He indicated that this area of the yard had become useless and was overgrown with weeds and shrubs and after clearing that area, it seemed a suitable location for the shed. Mr. Miller stated that he was not aware of the setback requirements until he was cited with a zoning violation and advised to file the instant Petition.

In support of the request, Mr. Miller testified that there is limited rear yard space for his use and enjoyment and that the subject location is the most practical. He further testified that the shed was designed with a roof pitch and vinyl siding to match his home and that because it is only 16 inches from his house, it will appear from the street to be an extension of his home. Mr. Miller further stated that he has spoken with the adjoining neighbors on both sides of Liberty Parkway, including those who live behind him on Yardley Road, and that none of the neighbors had any objections. Indeed, he submitted a Petition of support that had been signed by several of his neighbors, including Ms. Vera Schmidt who resides on the immediately affected side. In this regard, it was apparently Ms. Schmidt who had placed a call to the County to find out if Mr. Miller needed a building permit for the shed that precipitated the violation notice. Mr. Miller stated that Ms. Schmidt and he are friends, that she watched him while he built the shed and has allowed him to store his boat in her yard. However, because of her general inquiry, a Code Inspector was dispatched to investigate the matter. As noted above, Ms. Schmidt has no objections to the shed's location and signed the Petition of support. Finally, Mr. Miller stated that without the variance, he would have to tear down the shed because it has been cemented into the ground and cannot simply be relocated.

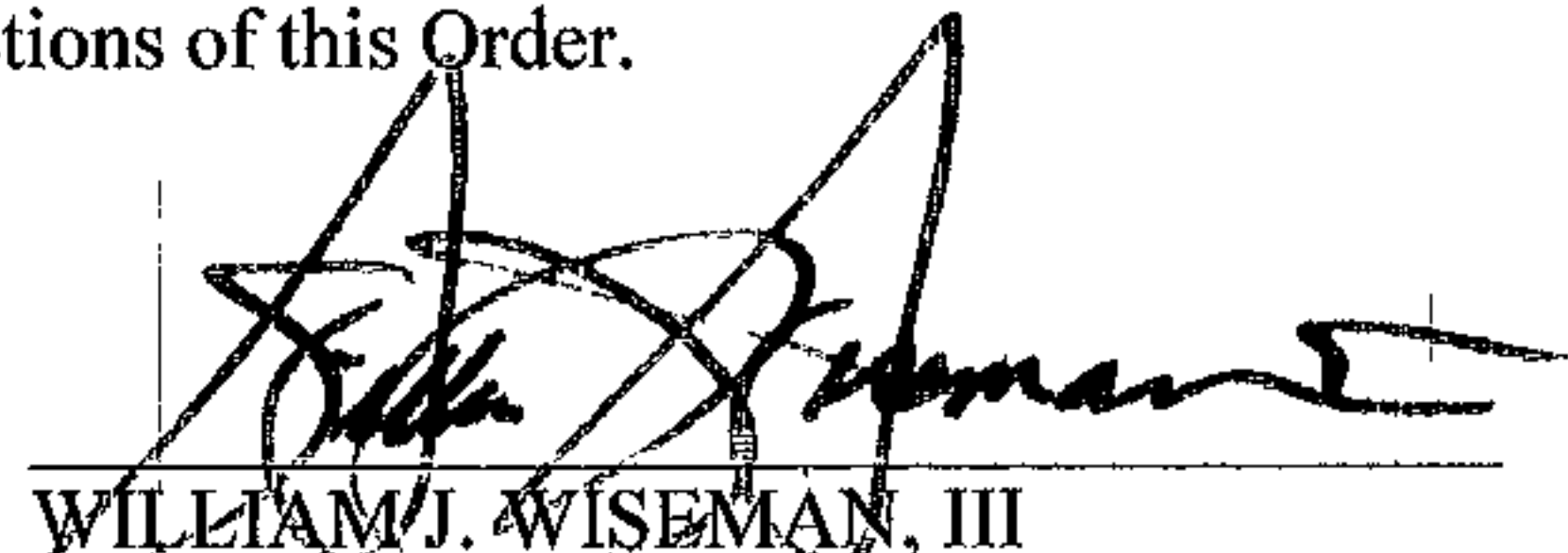
After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. There were no adverse comments submitted by any County reviewing agency and the neighbors support the proposal. I find that strict compliance with the regulations would be unduly burdensome and that the Petitioner would suffer a practical difficulty and unreasonable hardship. I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition of approval, I will require removal of the shed at such time as the property is sold or within ten years of the date hereof, or its relocation on the property in compliance with the regulations.

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.

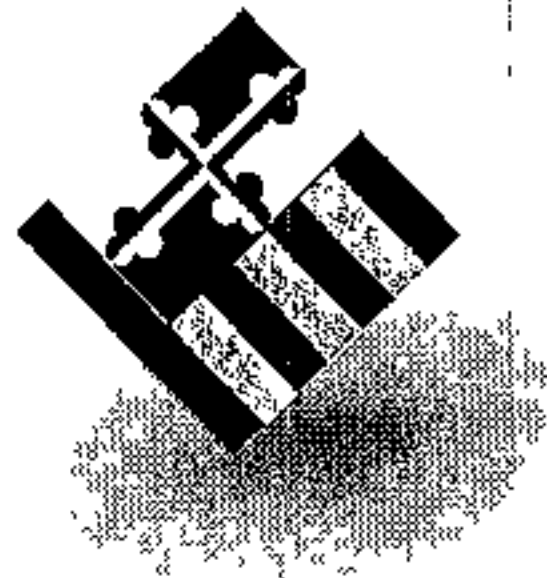
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April 2006 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in the side yard, 3 inches from the side property line in lieu of the required rear yard with a setback of 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, 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) At such time as the subject property is sold, or within ten (10) years of the date hereof, Petitioner shall either remove the shed from its present location or relocate same to the rear of his property in compliance with the B.C.Z.R.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED CHITING
Date 4-21-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 24, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Donald K. Miller, II
3462 Liberty Parkway
Baltimore, Maryland 21222

RE: **PETITION FOR VARIANCE**
SW/S Liberty Parkway, 300' SE of the c/l York Drive
(3462 Liberty Parkway)
12th Election District – 7th Council District
Donald K. Miller, II - Petitioner
Case No. 06-403-A

Dear Mr. Miller:

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,

A handwritten signature in black ink, appearing to read 'W. J. Wiseman, III', written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

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

CBCA



Viol # 05-8170

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3462 Liberty Pkwy Dundalk
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) 400.1 BCZR TO PERMIT A SHED IN SIDE YARD
WITH A SETBACK OF 3 INCHES IN LIEU OF REAR YARD WITH A 2 1/2 FT. SETBACK.

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

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):

Donald K. Miller II, RN
Name - Type or Print _____
Donald K. Miller II, RN
Signature _____

Name - Type or Print _____
Signature _____
3462 Liberty Pkwy 443-801-6412
Address Telephone No. _____
Dundalk MD 21222
City State Zip Code

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR
UNAVAILABLE FOR HEARING - MON - THURS
Reviewed By JL Date 2/17/06

FRIDAY HEARING REQUIRED

RECEIVED FOR FILING
06-10-08
Case No. 06 403 A
REV 8/15/08

ZONING DESCRIPTION FOR 3462 Liberty Parkway

A03

Beginning at a point on the southwest side of Liberty Parkway which is 80 feet wide at the distance of 300 feet southeast of the centerline of the nearest improved intersection York Drive which is 50 feet wide. Being Lot #30, Block 3 in the subdivision of Dundalk as recorded in Baltimore County Plat Book # 14, Folio #113 containing 6,150 square feet. Also known as 3462 Liberty Parkway and located in the 12th Election District, 7th 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: #06-403-A
3462 Liberty Parkway
Southwest side of Liberty
Parkway, 300 feet south-
east of York Drive
12th Election District
7th Councilmanic District
Legal Owner(s):

Donald K. Miller, II, RN
Variance: to permit a shed
in side yard with a setback
of three (3) inches in lieu of
the required rear yard with
a 2.5-foot setback.
Hearing: Friday, April 14,
2006 at 9:00 a.m. in Room
407, County Courts Build-
ing, 401 Bosley Avenue,
Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

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

3/30/06 Mar. 30 89286

CERTIFICATE OF PUBLICATION

3/30/2006

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 3/30/2006.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

06 A03-A No. 0480

(JD)

DATE

2/17/06

ACCOUNT

001 006 6150

AMOUNT \$

65.00

RECEIVED
FROM:

MILLER

FOR:

RV 3462 LIBERTY PKWY

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS DATE TIME

2/17/06 11:44:41

REC NO. MILLER KIM KM

INVESTMENT 2 000000 2/17/06

POST 3 FOR BOND VERIFICATION

ST NO. (00000)

AMOUNT \$ 65.00

BY (00000)

Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 06-403-A

Petitioner/Developer: DONALD K

MILLER, II RN

Date of Hearing/Closing: 4-14-06

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

3462 LIBERTY PARKWAY

The sign(s) were posted on MARCH 31, 2006
(Month, Day, Year)

Sincerely,

Robert Black 4-5-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

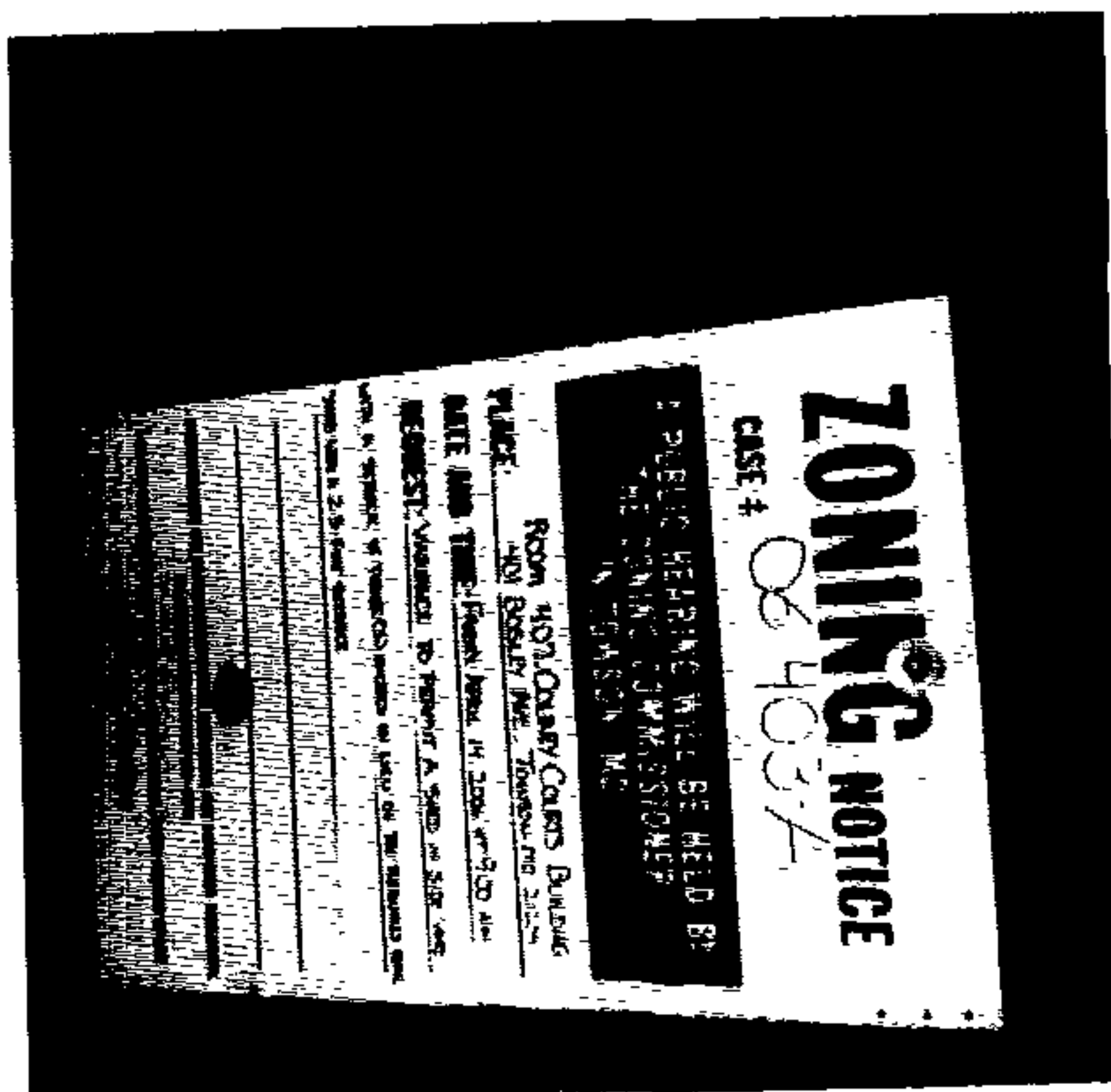
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 06 403 A

Petitioner: X Miller II

Address or Location: X 3462 Liberty Pkwy

PLEASE FORWARD ADVERTISING BILL TO

Name: X Donald K. Miller II

Address: 2 3462 Liberty Pkwy
X Dundalk, MD 21222

Telephone Number: X 443-801-6412

**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

March 15, 2006

CORRECTED 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: 06-403-A

3462 Liberty Parkway

Southwest side of Liberty Parkway, 300 feet southeast of York Drive

12th Election District—7th Councilmanic District

Legal Owner: Donald K. Miller, II, RN

Variance to permit a shed in side yard with a setback of three (3) inches in lieu of the required rear yard with a 2.5-foot setback.

Hearing: Friday, April 14, 2006 @ 9:00 a.m., Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204.

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

Timothy Kotroco
Director

TK:klm

C: Donald K. Miller, II, RN, 3462 Liberty Parkway, Dundalk, MD 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY FRIDAY, MARCH 31, 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 410-887-339

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 30, 2006 Issue - Jeffersonian

Please forward billing to:
Donald K. Miller, II (443-801-6412)
3462 Liberty Parkway
Dundalk, MD 21222

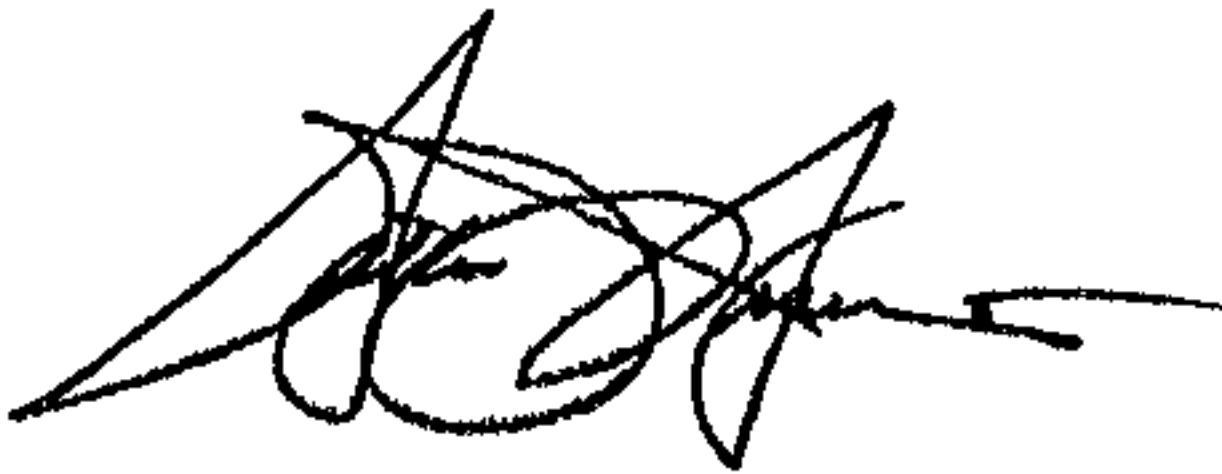
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3462 Liberty Parkway
Southwest side of Liberty Parkway, 300 feet southeast of York Drive
12th Election District—7th Councilmanic District
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Hearing: Friday, April 14, 2006 @ 9:00 a.m., Room 407, County 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.



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

February 28, 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: 06-403-A

3462 Liberty Parkway
Southwest side of Liberty Parkway, 300 feet southeast of York Drive
12th Election District—7th Councilmanic District
Legal Owner: Donald K. Miller, II, RN

Variance to permit a shed in side yard with a setback of three (3) inches in lieu of the required rear yard with a 2.5-foot setback.

Hearing: Friday, April 7, 2006 @ 9:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

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

Timothy Kotroco
Director

TK:raj

C: Donald K. Miller, II, RN, 3462 Liberty Parkway, Dundalk, MD 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 23, 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 410-887-339

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 23, 2006 Issue - Jeffersonian

Please forward billing to:
Donald K. Miller, II (443-801-6412)
3462 Liberty Parkway
Dundalk, MD 21222

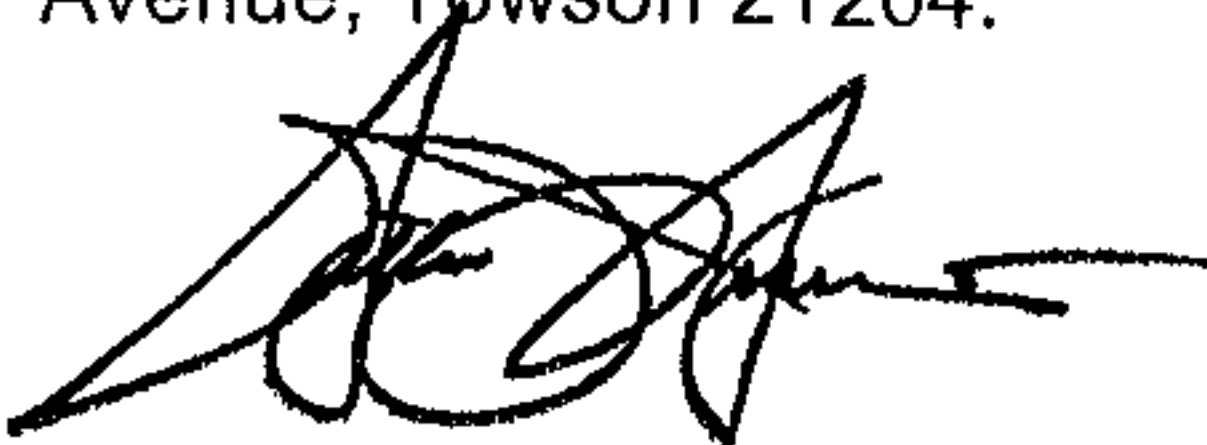
NOTICE OF ZONING HEARING

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: 06-403-A
3462 Liberty Parkway
Southwest side of Liberty Parkway, 300 feet southeast of York Drive
12th Election District—7th Councilmanic District
Legal Owner: Donald K. Miller, II, RN

Variance to permit a shed in side yard with a setback of three (3) inches in lieu of the required rear yard with a 2.5-foot setback.

Hearing: Friday, April 7, 2006 @ 9:00 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**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

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

April 6, 2006

Donald K. Miller II, RN
3462 Liberty Pkwy
Baltimore, MD 21222

Dear Mr. Miller:

RE: Case Number: 06-403-A, 3462 Liberty Parkway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 17, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2006

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

MAR 6 2006

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-403 Variance**

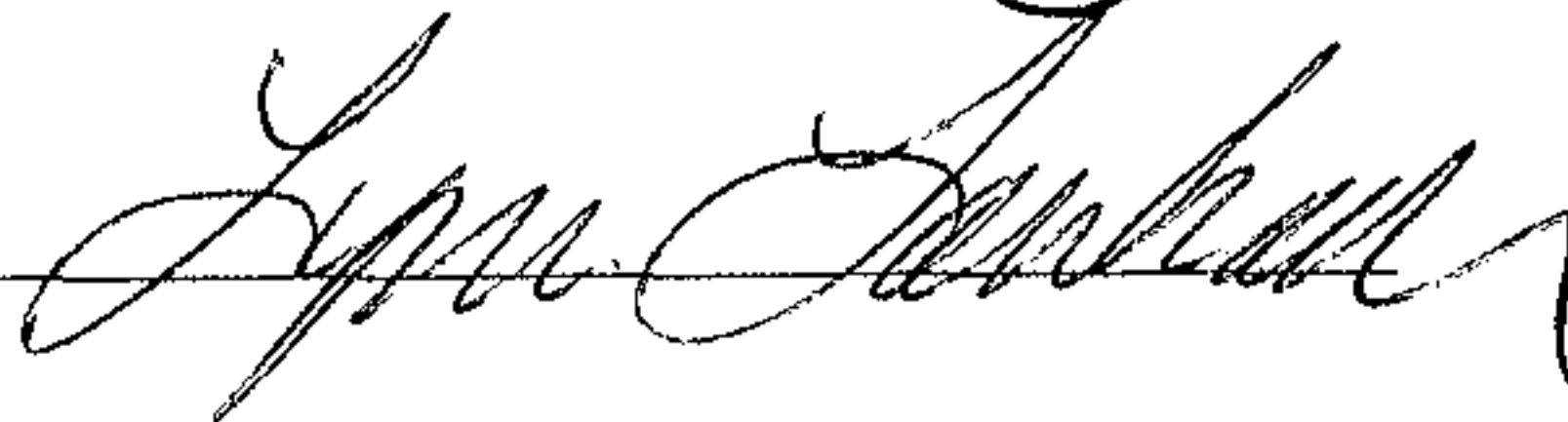
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

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



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

Maryland Department of Transportation

Date: 2.28.06

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

RE: Baltimore County
Item No. 403 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

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
111 West Chesapeake Avenue
Towson, Maryland 21204

February 28, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 27, 2006

Item No.: 387, 388, 389, 390, 391, 392, 394, 395, 396, 397, 398, 399, 400,
401, 402, 403, 404, 405 and 406

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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
Phone (O) 410-887-4881
Mail Stop - 1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 6, 2006
Item Nos. 387, 388, 389, 390, 391, 392,
393, 394, 395, 396, 398, 399, 401, 402, 403
404, 405, and 406

DATE: March 7, 2006

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-03072006

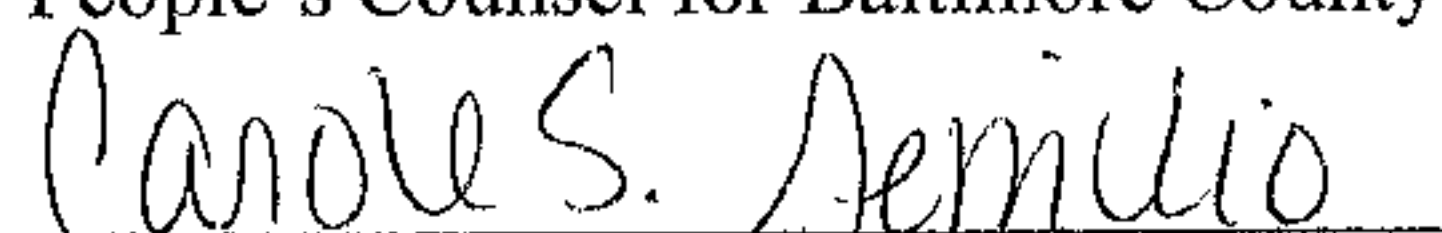
RE: PETITION FOR VARIANCE
3462 Liberty Parkway; SW/S Liberty
Parkway, 300' SE York Drive
12th Election & 7th Councilmanic Districts
Legal Owner(s): Donald K. Miller, II, RN
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-403-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.

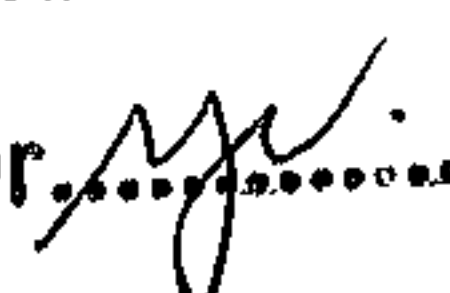

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

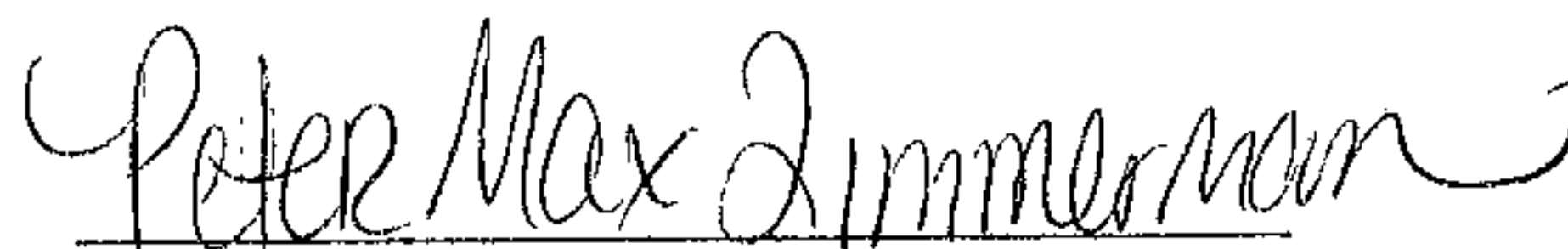
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Donald K. Miller, II, 3462 Liberty Parkway, Dundalk, MD 21222, Attorney for Petitioner(s).

RECEIVED

MAR 02 2006

Per. 


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Kristen Matthews - Case 06-403-A

From: "Donald K. Miller II" <dmiller@venetec.com>
To: <kmatthews@co.ba.md.us>
Date: 3/15/2006 9:43:56 AM
Subject: Case 06-403-A

Hi Kristin,

My court date is scheduled for April 7th, 2006 at 9am.

My father is having surgery that day in Cleveland, OH, so I'm flying home on Thursday evening and won't be back until Saturday.

Can you please change the court date to a Friday morning on April 14th, 21st, or 28th? I travel for business Monday to Thursday, so the court date must be a Friday.

Thank you,
Don Miller

Donald K. Miller II, RN, BSN
Clinical Education Manager
Venetec International, Inc.
Makers of *StatLock*
Voicemail - 1.888.224.7874 x226
Cell - 443.801.6412
dmiller@venetec.com

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FAX MEMO

DATE

OF PAGES

3

TO

FROM

Bill Wiseman

John Altmeyer

CO/DEPT.

CO.

Balto. Co. Building Inspections

PHONE#

PHONE#

410-887-3953

FAX#

FAX#

410-887-8081

Case Entry/Update

Mode . . . : CHANGE

Format . . . : CASREC

File . . . : PDLV0001

Dt Rec: 10112005 Intake: SHELTON Act: Case #: 05-8170

Insp: PROFILI, C. Insp Grp: ENF Insp Area: 17 Tax Acct: 1219033550

Address: 3462 LIBERTY PARKWAY Apt #: Zip: 21222

Owner:

Problem Descript.: BUILDING CARPORT (FOR BOAT?) W/O PERMIT

Complainant Name (Last): ANONYMOUS (First):

Complainant Addr:

Complainant City: State: Zip:

Complainant Phone (H): (W):

Date of Reinspection: 5162006 Date Closed: Delete Code (P):

F3=Exit

F5=Refresh

F6=Select format

F9=Insert

F10=Entry

F11=Change

Case Entry/Update

Mode : CHANGE

Format : CASREC

File : PDLV0001

Notes: 05-8170 10-13-05 OBSERVED NO CARPORT BUT SHED/BLDG BEING CONSTRUCTED AT
SIDE YARD AT FENCE. NO ANSWER AT FRONT DOOR. POSTED CORR. NOTICE. SENT COPY OF
NOTICE IN MAIL. P/U 10/24/05 C.PROFILI/NS***
10/24/05 NO CHANGE AT SITE. MR.MILLER CALLED OFFICE & STATED HE WAS GOING TO APP
LY FOR VARIANCE. P/U 11/09/05 C.PROFILI/NS***
11/9/05 NO CHANGE SINCE LAST INSPECTED. P/U 11/22/05 C.PROFILI/NS***
11/22/05 NO CHANGE SINCE LAST INSPECTED.NO RESPONSE FROM OWNER. CITATION TO BE
ISSUED. P/U 1/18/06 C.PROFILI/NS***
1/17/06 HEARING POSTPONED TIL FURTHER NOTICE PER CLAUDE PROFILI. /JF
1/18/06 REC'D FAX FROM OWNER STATING HE IS OBTAINING A VARIANCE BUT WILL NOT MEE
T WITH ZONING UNTIL 2/17/06. (HEARING POSTPONED) P/U 2/21/06 C.PROFILI/NS***
02/21/06 OWNER APPLIED FOR VAR. (06-403-A). P/U 05/16/06. C.PROFILI/KH.***

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

February 17, 2006

A03

To the Baltimore County Variance Board Members,

Zoning Commissioner

Thank you for taking the time to review the variance on my home at 3462 Liberty Parkway, Dundalk. I purchased and moved into my home in April 2005. The center of the backyard had a large (8' x 16') shed. I have 2 dogs that love to run around the yard and chase balls and sticks. The old shed took up a large portion of my yard, so I tore it down.

In the corner of my yard, behind the pond built by the previous owners was an 8' x 10' area that was useless. It was overgrown with brush and plants. I cleared out the brush and built a 7' x 10' shed in the space. At the time, I didn't know that I had to have an easement from the fence that separates my yard from my neighbor.

If the variance is approved, the shed will be brought up to code by the addition of drywall to the inside of the shed, as a fire block. Also, the shed will be wrapped in Tyvek and vinyl siding that matches the home. Because the shed is only 16 inches from my home, someone driving by on Liberty Parkway will not even notice the shed, it will look like an extension of the home. I even matched the pitch of the roof on the shed to match the home.

I have spoke to all of the neighbors on both sides of Liberty Parkway. I have also spoke to the neighbors who live behind me on Yardley. ALL of the neighbors signed a petition stating that they don't feel the shed is obtrusive or an eye soar and that they don't feel it needs to be moved / taken down.

On the topic of moving the shed, it is cemented into the ground in the four corners and a center post. This shed cannot be moved. I would prefer not to tear it down. I have spent approximately \$1000 on materials as well as about 50-60 man hours to build this shed myself. I'm not claiming financial hardship, but would prefer not to waste the money and time invested.

Even though the shed doesn't meet the requirements of the easement, it will be up to code when finished, doesn't interfere with electrical, gas, cable TV, or telephone lines or access boxes.

Thank you for your time and consideration on this variance.

Donald K. Miller II

Donald K. Miller II

Case No.:

06-403-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petition of Persons who can see the shed - 11 signature - in favor	
No. 2	Site Plan 2-A - Plan accompanying Petition 2-B - Plan showing existing conditions	
No. 3	Collectively Photographs	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

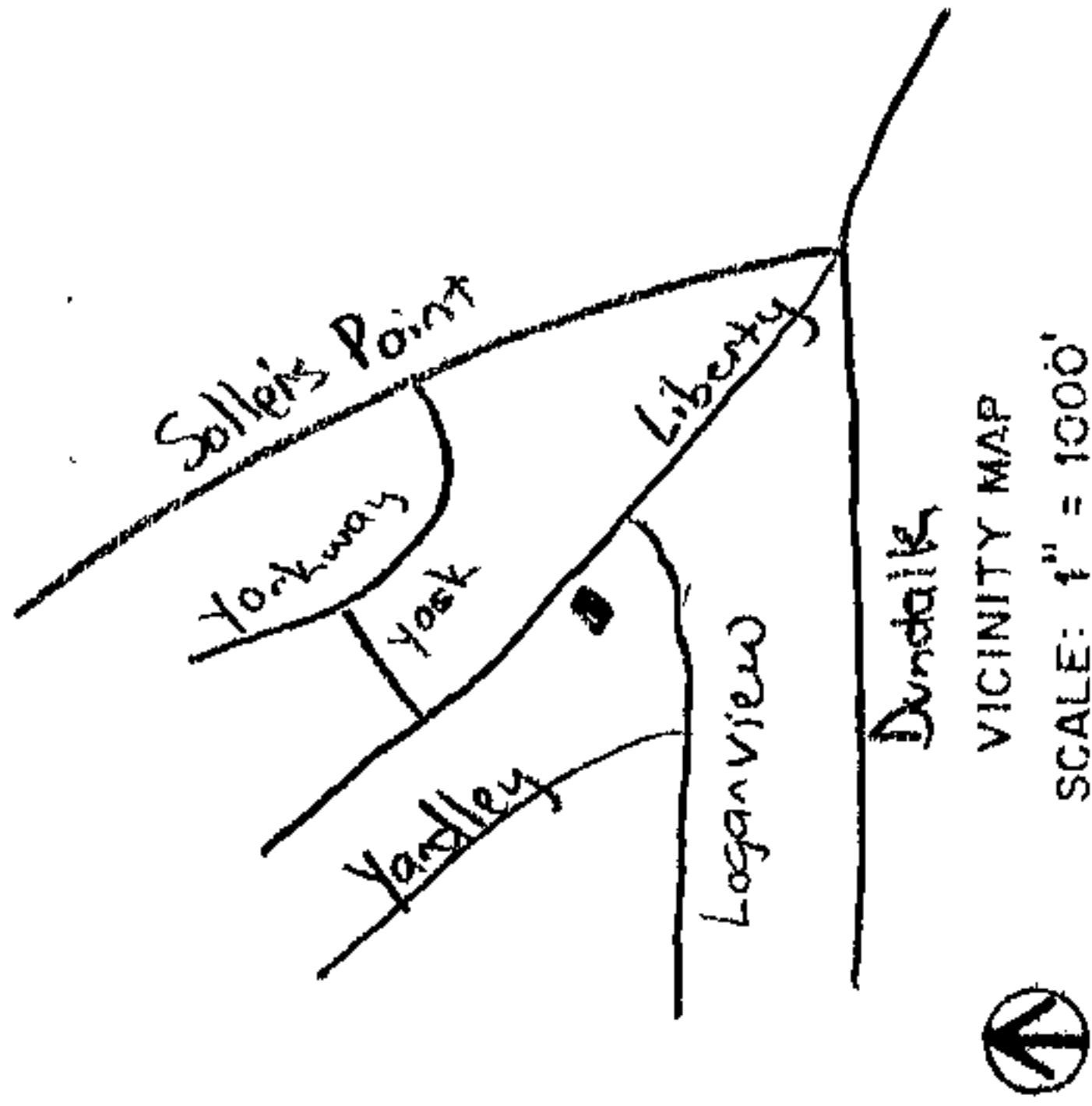
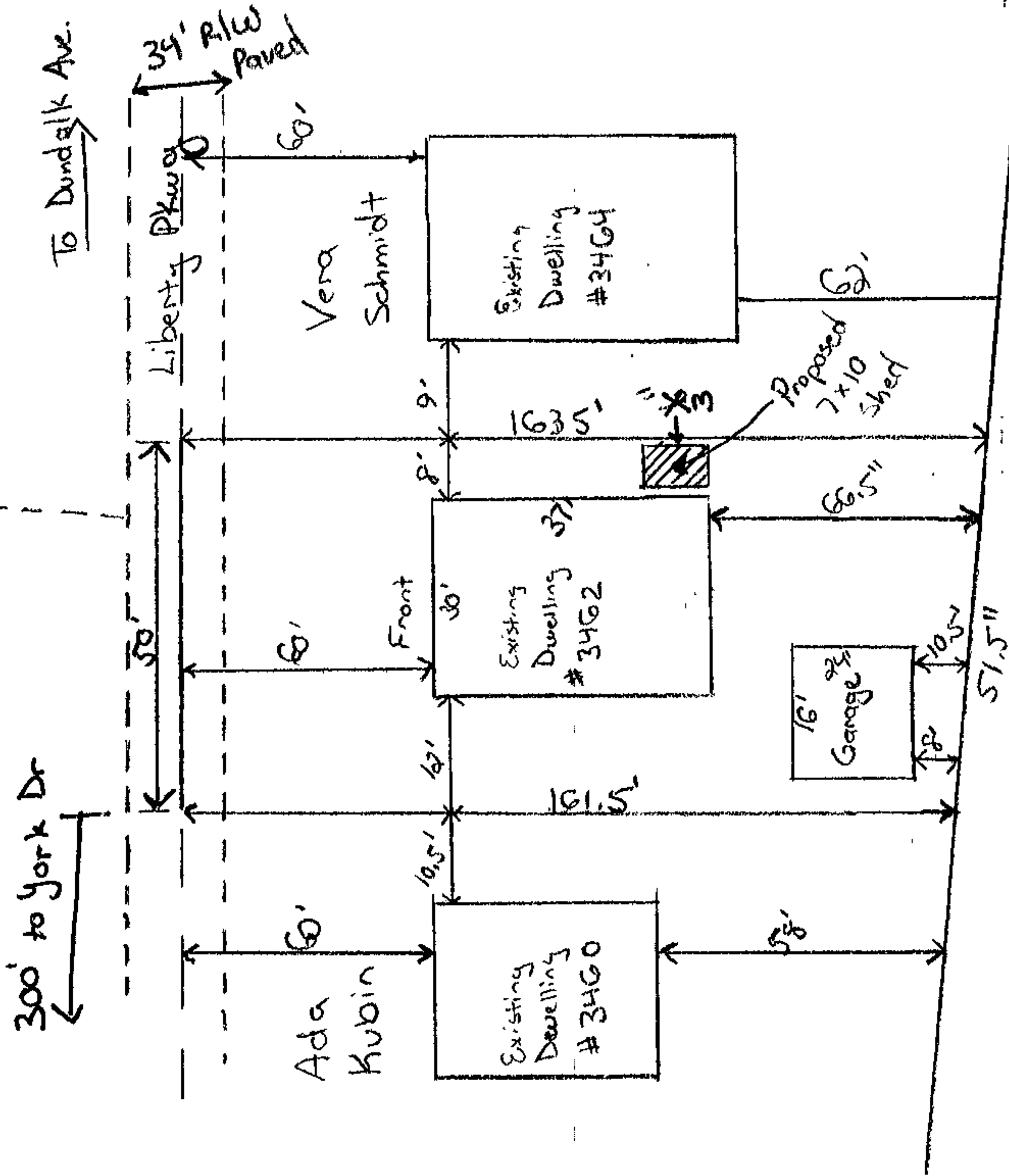
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 3462 Liberty Pkwy

SUBDIVISION NAME Dundalk

PLAT BOOK # 14 FOLIO # 113 LOT # 30 SECTION # 3

OWNER Donald K. Miller II



LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 110C1

ZONING DR-S, S

LOT SIZE 0.13 ACRES 6150 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE

WATER ☒ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING YES ☐ NO ☒

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

4031

SCALE OF DRAWING: 1" = 30'

PREPARED BY DKM

1" = 200'



map # 110-1

January 2, 2006

A03

I am a neighbor of Donald K. Miller II of 3462 Liberty Parkway, Dundalk, MD 21222.

I am aware that Mr. Miller has built a new shed next to his home and that he is filing for a variance.

As a neighbor of Mr. Miller, I have no issues with the location of his shed. Please accept this signature and petition as my approval of Mr. Miller's new shed.

Name	Address	Signature
Nancy Schmidt	3464 Liberty Pkwy	Nancy Schmidt
VERA SCHMIDT	3464 LIBERTY PKWY	Vera Schmidt
Lucy Kubin Keefe	3460 Liberty Pkwy	Lucy Kubin Keefe
Ada Kubin	3460 Liberty Pkwy	Ada Kubin
Steph R. Cole	3441 Liberty Pkwy	Steph R. Cole
M.C. Haight	3457 Liberty Pkwy	M.C. Haight
E. JACKSON	3453 Yardley Dr	Eileen Jackson
J Cronis	3455 Yardley	JEAN Cronis
K King	3451 Yardley	Kathy King
Lucy Frate	3459 Liberty Pkwy	Lucy A. FRATE
Mary Haffer	"	"

EXHIBIT 1



2005
1/16/03

~~Clinton Jackson~~

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

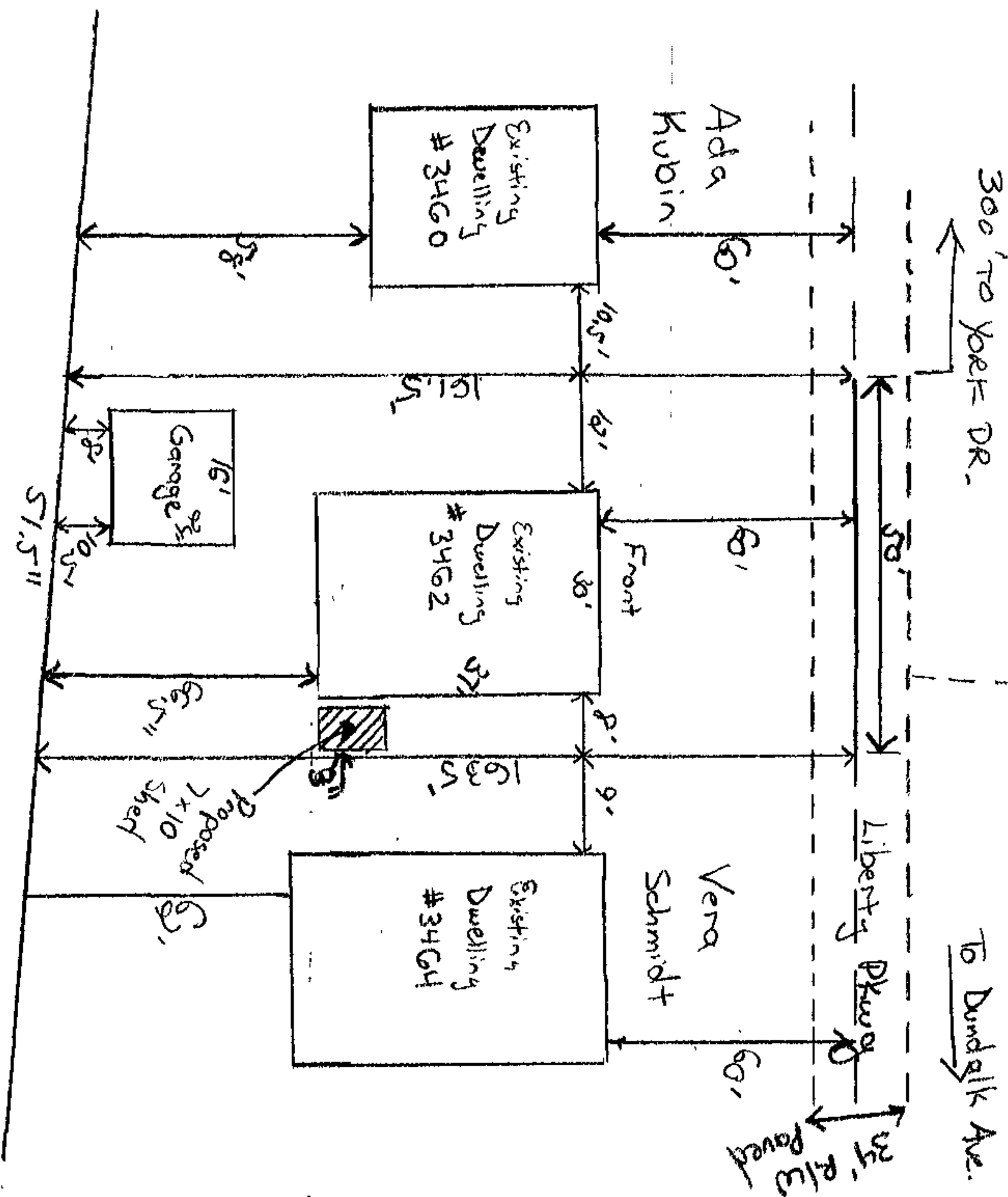
PROPERTY ADDRESS 3462 Liberty Pkwy

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

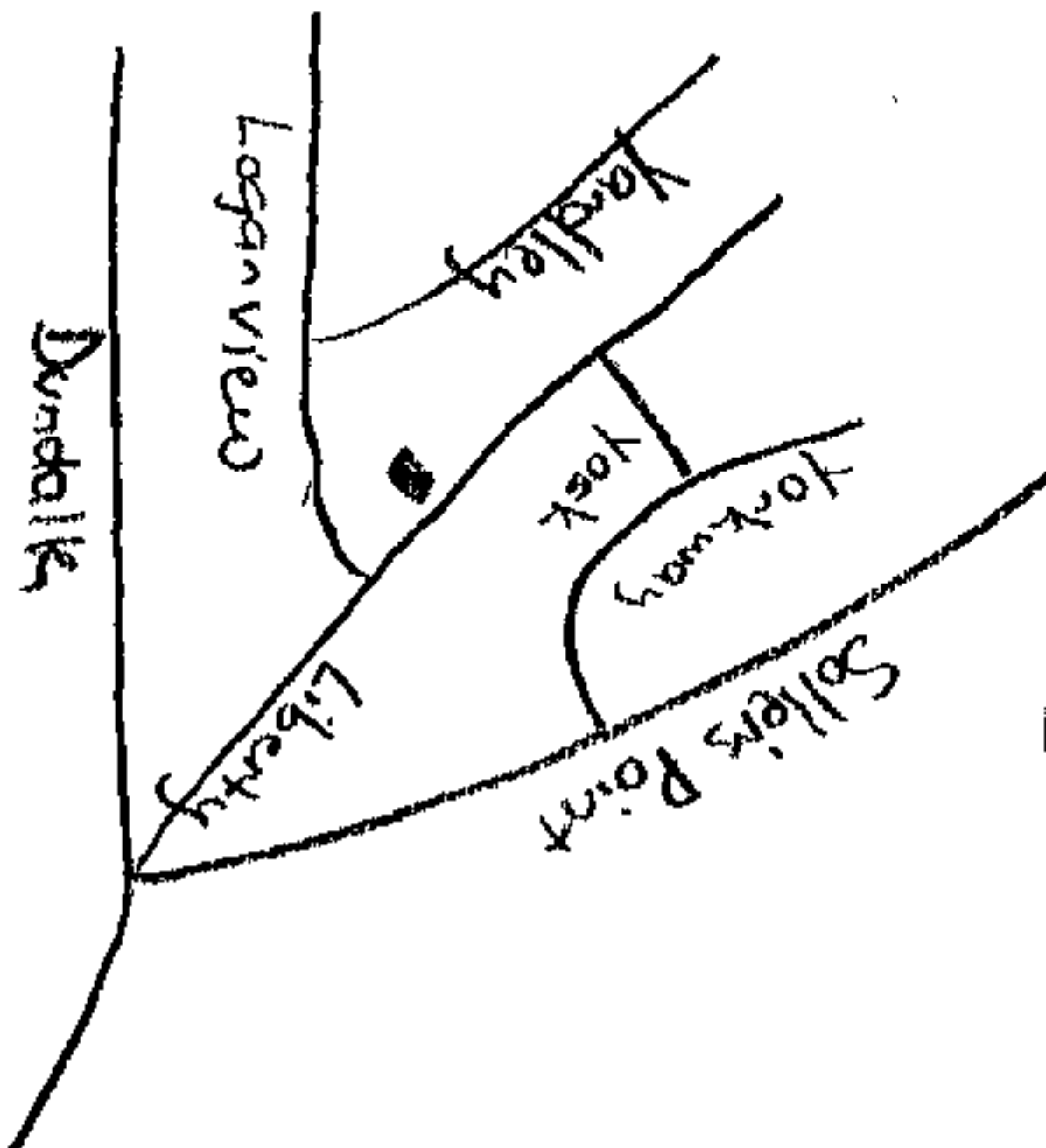
SUBDIVISION NAME Dundalk

PLAT BOOK # 14 FOLIO # 113 LOT # 30 SECTION # 3

OWNER Donald K. Miller II



Dundalk
VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 110C1

ZONING DK-S, S

LOT SIZE 0.13 6150
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY DKM

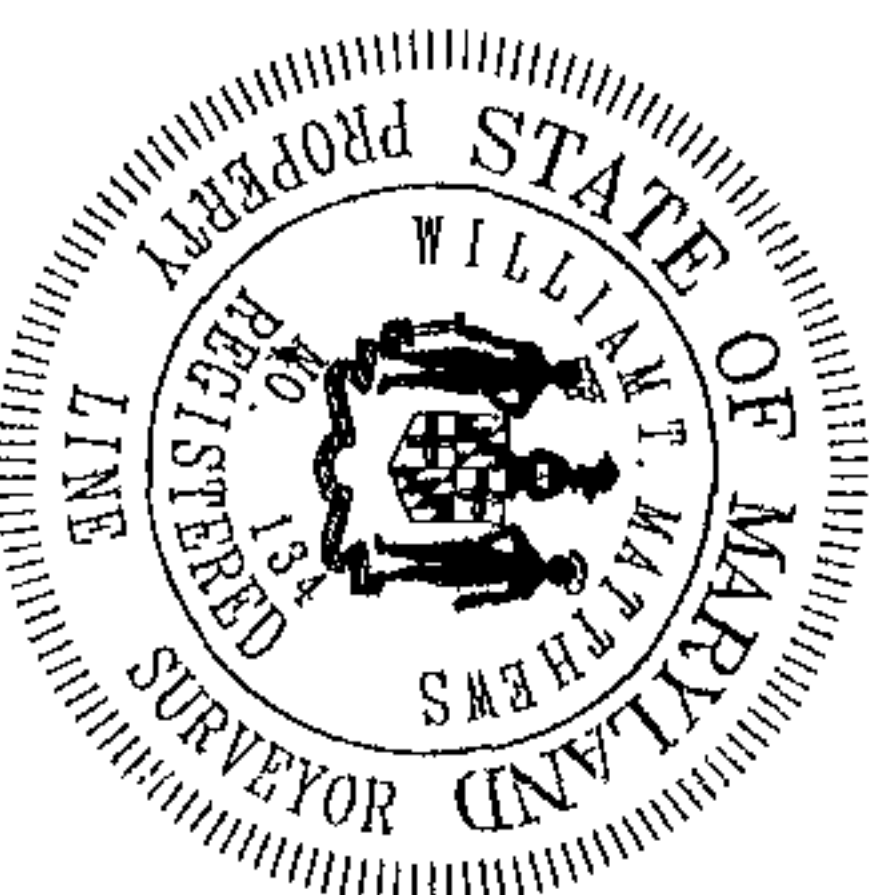
SCALE OF DRAWING: 1" = 30'



NORTH

403

Petitioners Exhibit 2A



Location Drawing

Scale: 1" = 25'

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, dwellings or other existing or future improvements nor does this plat purport to reflect setbacks or other distances with any specific level of accuracy. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines for the property known as

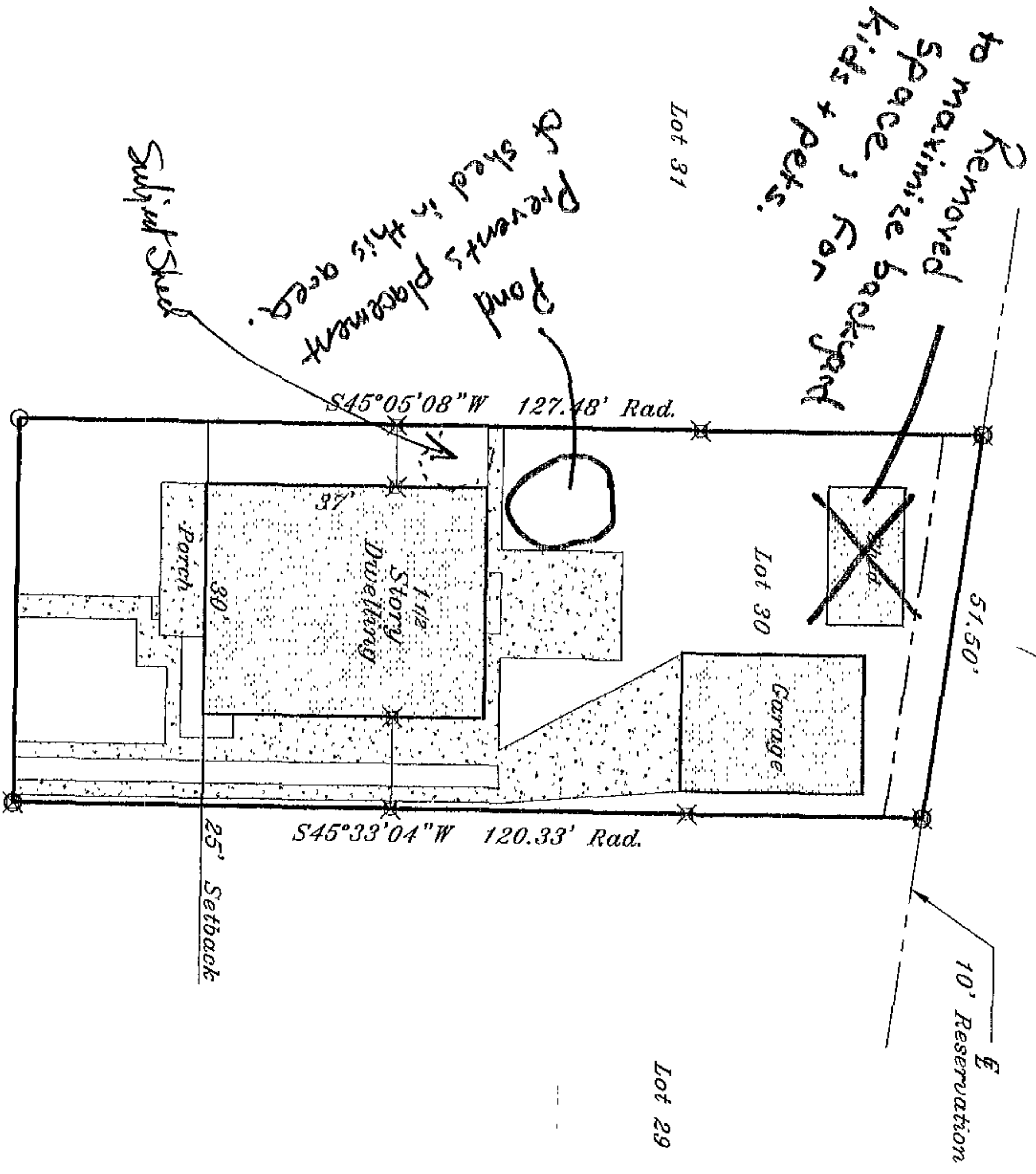
3462 Liberty Parkway
Baltimore County, Maryland

Vulcan & Matthews 3/7/05

Ruston Design Corporation
8422 Bellona Lane
Suite 300
Towson, Maryland 21204
410-823-5000
410-823-0115 fax

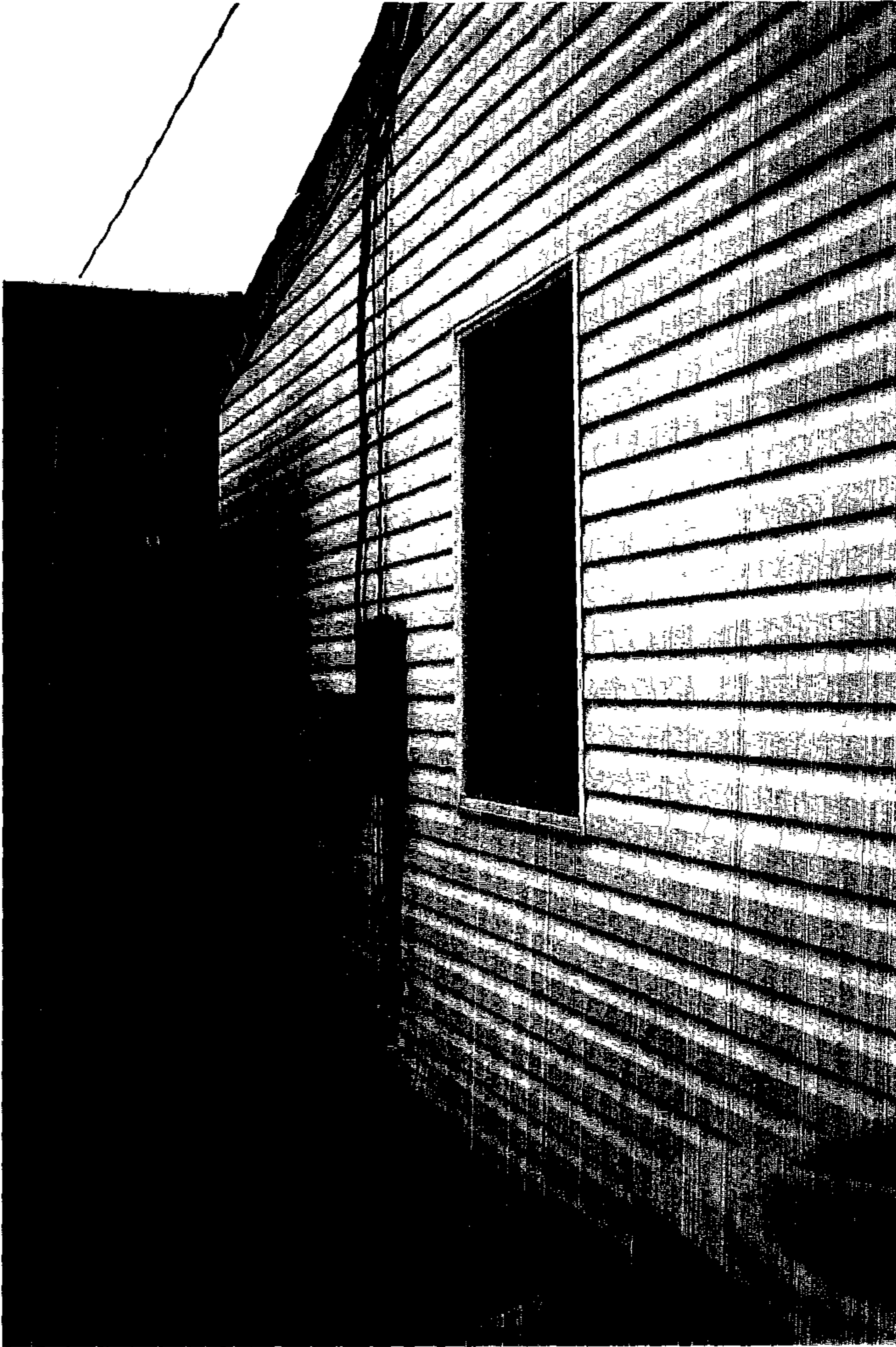
rdc@rustondesign.com www.rustondesign.com

20029



LIBERTY PARKWAY

Petitioner Exhibit 2B

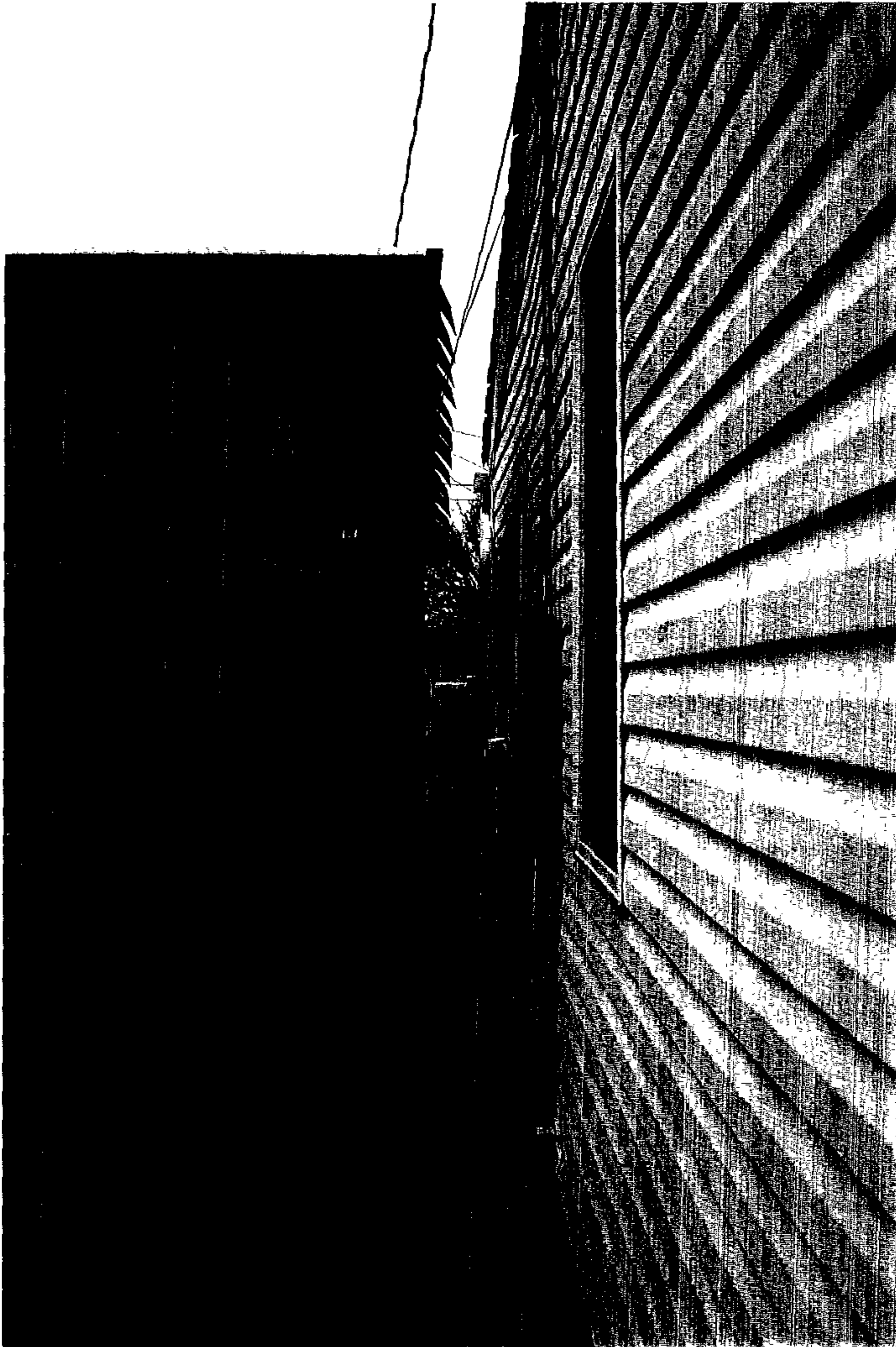


A03

Picture 1

From Liberty Pkwy side of home, no interference of access to electric meter or air conditioning unit. Also, access to telephone box and entry of cable television into the home not disturbed.

Exhibit #3



403

Picture 2

As you can see from this picture, the shed is separate from the house, with about 16 inches of space. If the variance is approved, the inside of the shed will have drywall installed, to bring it up to code.



Picture 3

The shed lines up with the back of the house. The space that the shed occupies would otherwise be wasted space in my yard. If the variance is passed, the shed will be finished in the same siding that is on the house.

AO 3



Picture 4

There is 9 feet between the shed and my neighbor's home.

X03



Picture 5

From the street, the shed is not obtrusive to the neighbor's home, doesn't interfere with the electric and won't be an eye soar. It will match and blend with the home when finished.

A03