

IN RE: **PETITION FOR VARIANCE**
W/S Maple Road, 1,015'N of the c/l
Holly Neck Road
(1100 Maple Road)
15th Election District
6th Council District

Palms Investment Group, LLC, Owners;
Terry Rutherford, Contract Purchaser

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* **Case No. 06-454-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 owners of the subject property, Palms Investment Group, LLC, and the Contract Purchaser, Terry Rutherford. The Petitioners request variance relief from Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 0.681 acres in lieu of the minimum required 1.5 acres, and from Section 1A04.3.B.2.b to permit a street centerline setback of 45 feet from a road that leads to or connects with a collector road in lieu of the required 100 feet, and side yard setbacks of 18 feet and 19 feet in lieu of the required 50 feet each for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Terry and Kelly Rutherford, Contract Purchasers of the subject property, and Buck Jones, their Builder and the Surveyor who prepared the site plan for this property. There were no Protestants or other interested persons present; however, the record of the case will reflect that a letter was received from an adjacent property owner, Wayne R. Orem in which he expressed concern about the type of house to be constructed on this lot. Apparently, another property owner in the neighborhood was allowed to develop his lot with what Mr. Orem termed was a "glorified mobile home." He

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Date 5-20-09

By [Signature]

believes that any home built on the subject lot should be comparable to the newer homes being built in the area, i.e., two-story colonial with an attached garage and/or porch.

Testimony and evidence offered at the hearing disclosed that the subject property is a rectangular shaped improved parcel located on the west side of Maple Road, just north of Holly Neck Road in the waterfront community known as Cedar Beach in Essex. Although not immediately adjacent to the water, the property is located not far from Sue Creek and is one of the few remaining undeveloped parcels on Maple Road. In this regard, the property consists of two lots, identified as Lots 26 and 27 of Cedar Beach, which is an older subdivision that was recorded in Baltimore County Plat Book 7, Folio 186 in June 1924. As is often the case with lots in older communities, the subject property does not meet current area and width requirements for development. In this regard, the property is approximately 100 feet wide and 298 feet deep and contains a combined gross area of 29,650 sq.ft. (0.681 acres), more or less, zoned R.C.5.

The Petitioners are desirous of developing the parcel with a two-story, single-family dwelling which will feature an attached two-car garage. Due to the narrow width and small size of the parcel, the requested variances are necessary to proceed. Testimony indicated that the new home will be consistent in size and quality as other homes along Maple Road and will maintain similar setbacks. In this regard, the proposed dwelling will be setback 45 feet from Maple Road and feature side yard setbacks of 18 feet on the south and 19 feet on the north. Building elevation drawings of the proposed structure were submitted into evidence as Petitioner's Exhibit 2. These drawings have been reviewed and approved by the Office of Planning. It also appears that the proposed dwelling will address the concerns expressed by Mr. Orem.

The R.C.5 development regulations require a minimum 50-foot setback to any property line, a 75-foot setback from any street, and a 100-foot setback from any "collector" road. Testimony indicated that the 45-foot front setback was driven by the fact that two-thirds of the rear of the property is heavily wooded and contains critical area forest. Thus, development on the property is limited to the front portion of the site and only 30% of the forest area can be cleared.

Moreover, since Maple Road is considered a "collector" road and provides access to other roads in this community, a minimum setback of 100 feet from the centerline of that road is required.

After due consideration of the testimony and evidence presented, I find that the Petitioners have met the requirements of Section 307 and *Cromwell v. Ward*, 102 Md. App. 691 (1995) for relief to be granted. The subject property is located in an older subdivision and was recorded in 1924, well prior to the adoption of the R.C.5 zoning regulations in 1979. Due to its narrow width and small area, strict compliance with today's regulations would result in a practical difficulty and unreasonable hardship for the Petitioners and prevent development of the property for a permitted purpose. Moreover, the proposed dwelling will be compatible in terms of size and design with other houses in the neighborhood and the proposal appears consistent with the pattern of development in this community. There were no adverse comments submitted by any County reviewing agency, and the neighbors support the request. Thus, I find that relief can be granted without detrimental impact to the health, safety or general welfare of the surrounding locale. However, due to the property's close proximity to Sue Creek, the proposed development must comply with Chesapeake Bay Critical Areas regulations as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated May 10, 2006. Moreover, pursuant to the ZAC comments submitted by the Office of Planning, landscaping along the public road consistent with the existing streetscape shall be provided.

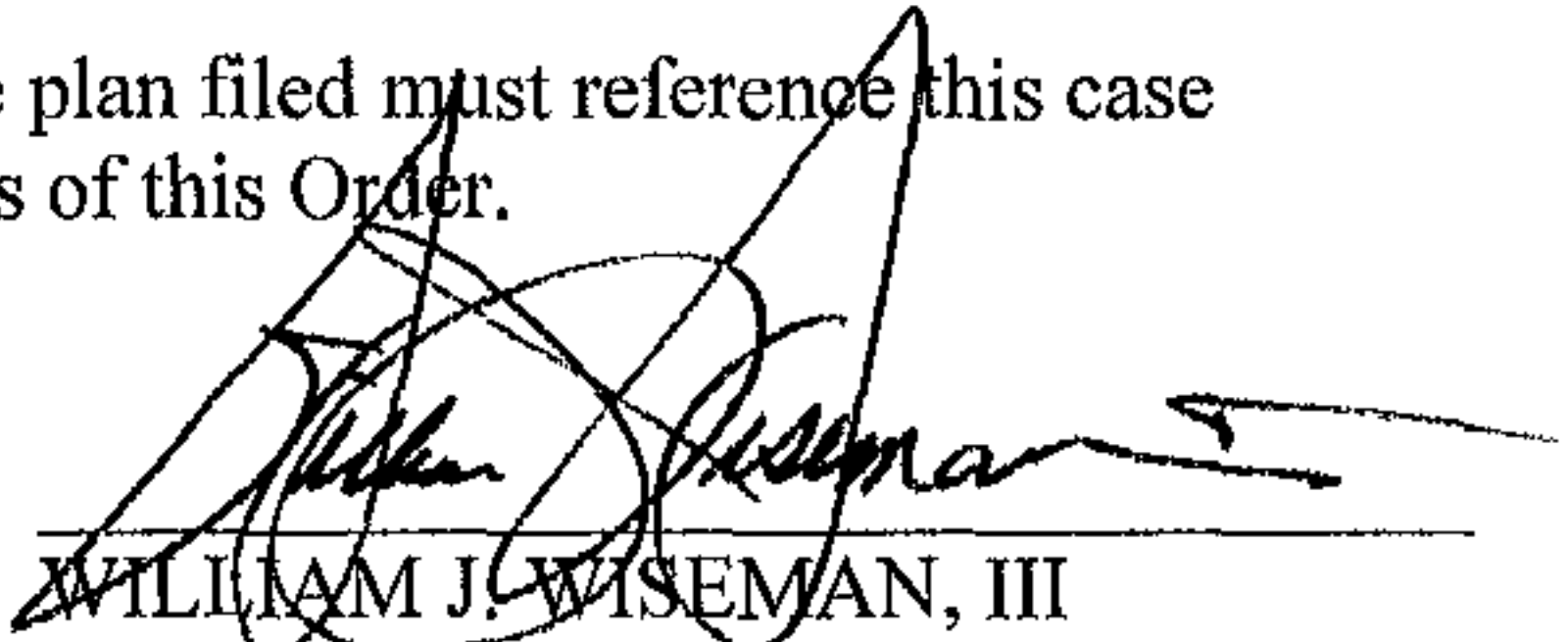
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of May 2006 that the Petition for Variance seeking relief from Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 0.681 acres in lieu of the minimum required 1.5 acres, and from Section 1A04.3.B.2.b to permit a street centerline setback of 45 feet from a road that leads to or connects with a collector road in lieu of the required 100 feet, and side yard setbacks of 18 feet and 19 feet in lieu of the required

ORDER RECEIVED FOR FILING
Date 5-10-06
By [Signature]

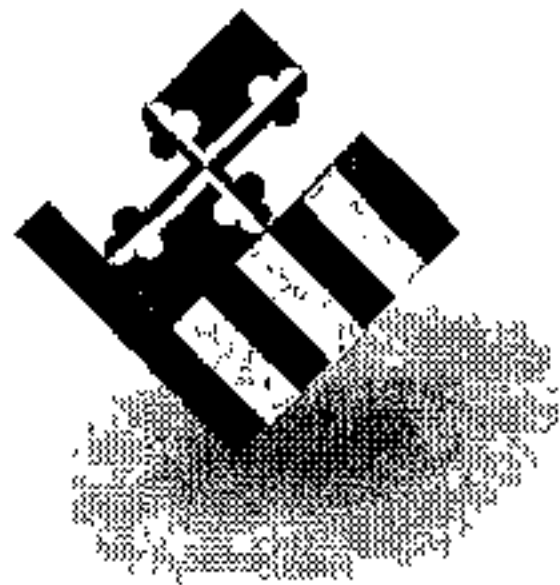
50 feet each for a proposed dwelling, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. See attached ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM).
- 3) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning (Petitioner's Exhibit 2).
- 4) Landscaping shall be provided along the public road, consistent with the existing streetscape.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 5-10-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Terry Rutherford
32 Ketchcay Court
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE

W/S Maple Road, 1015' N of the c/l Holly Neck Road
(1100 Maple Road)

15th Election District – 6th Council District

Balms Investment Group, LLC, Owners; Terry Rutherford, Contract Purchaser/Petitioner
Case No. 06-454-A

Dear Mr. & Mrs. Rutherford:

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.

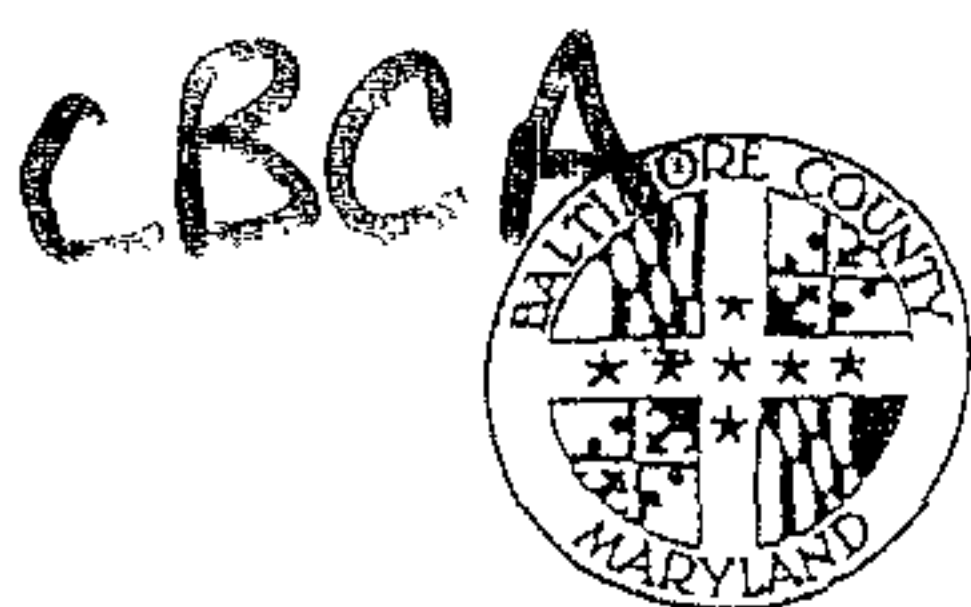
Very truly yours,

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

- c: Balms Investment Group, LLC,
11028 Bird River Grove Road, White Marsh, Md. 21162
Mr. Buck Jones, 500 Vogts Lane, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Mr. Wayne R. Orem, 1125 Maple Road, Baltimore, Md. 21221
DEPRM; Office of Planning; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1100 Maple Road

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3, B.1.a & 1A04.3.B.2.b, BC2R, to

permit an existing lot of .681 acres in lieu of the minimum required $1\frac{1}{2}$ acres, to permit a proposed dwelling with a setback of 45 feet from the centerline of a road that leads to or connects with a collector road in lieu of the minimum required 100 feet, and to permit setbacks of 18 feet and 19 feet respectively from side lot lines in lieu of the minimum required 50 feet (for both).

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons. (indicate hardship or practical difficulty). This lot is a lot of record and has not changed for over 81 years. When the land was subdivided it was legal to construct a sfd on the lot. Zoning regulations have changed over the years that now leaves this lot from now conforming to today's zoning regulations. This property is also completely forested. Strict compliance with requirement would unreasonably prevent use of the property. Relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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:

Terry Rutherford

Name - Type or Print

Signature

32 Ketchcay court 410-335-4553

Address

Telephone No.

Baltimore, MD 21220

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. Ob 454-A

Legal Owner(s):

Palms Investment Group, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

11028 Bird River Grove Rd

Address

Telephone No.

Baltimore, md 21162

City

State

Zip Code

Representative to be Contacted:

Buck Jones

Name

500 Vogts Lane 410-574-9337

Address

Telephone No.

Baltimore, MD 21221

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 3/17/06

ORIGINAL RECEIVED FOR FILING

Date 3/15/06

ZONING DESCRIPTION FOR 1100 MAPLE ROAD –

BEGINNING AT A POINT ON THE WEST SIDE OF MAPLE ROAD WHICH IS 40' WIDE AT THE DISTANCE OF 1015' NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET HOLLY NECK ROAD WHICH IS 40' WIDE. *BEING LOT # 26 & 27, IN THE SUBDIVISION OF CEDAR BEACH AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 7 , FOLIO #186, CONTAINING 29,650 SF / ^{ACRES}.681⁺ ALSO KNOWN AS 1100 MAPLE ROAD AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMANIC DISTRICT.

06-454-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 4959

DATE

ACCOUNT

AMOUNT \$

RECEIVED
FROM:

FOR:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #06-454-A

1100 Maple Road

West side of Maple Road, 1015 feet north of Holly Neck Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Palms Investment Group, LLC

Contract Purchaser: Terry Rutherford

Variance: to permit an existing lot of .681 acres in lieu of the minimum required 1.5 acres, to permit a proposed dwelling with a setback of 45 feet from the centerline of a road that leads to or connects with a collector road in lieu of the minimum required 100 feet, and to permit setbacks of 18 feet and 19 feet respectively from side lot lines in lieu of the minimum required 50 feet (for both).

Hearing: Friday, April 28, 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/103 April 13

91185

CERTIFICATE OF PUBLICATION

4/13/2006

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 4/13/2006.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 4/11/07

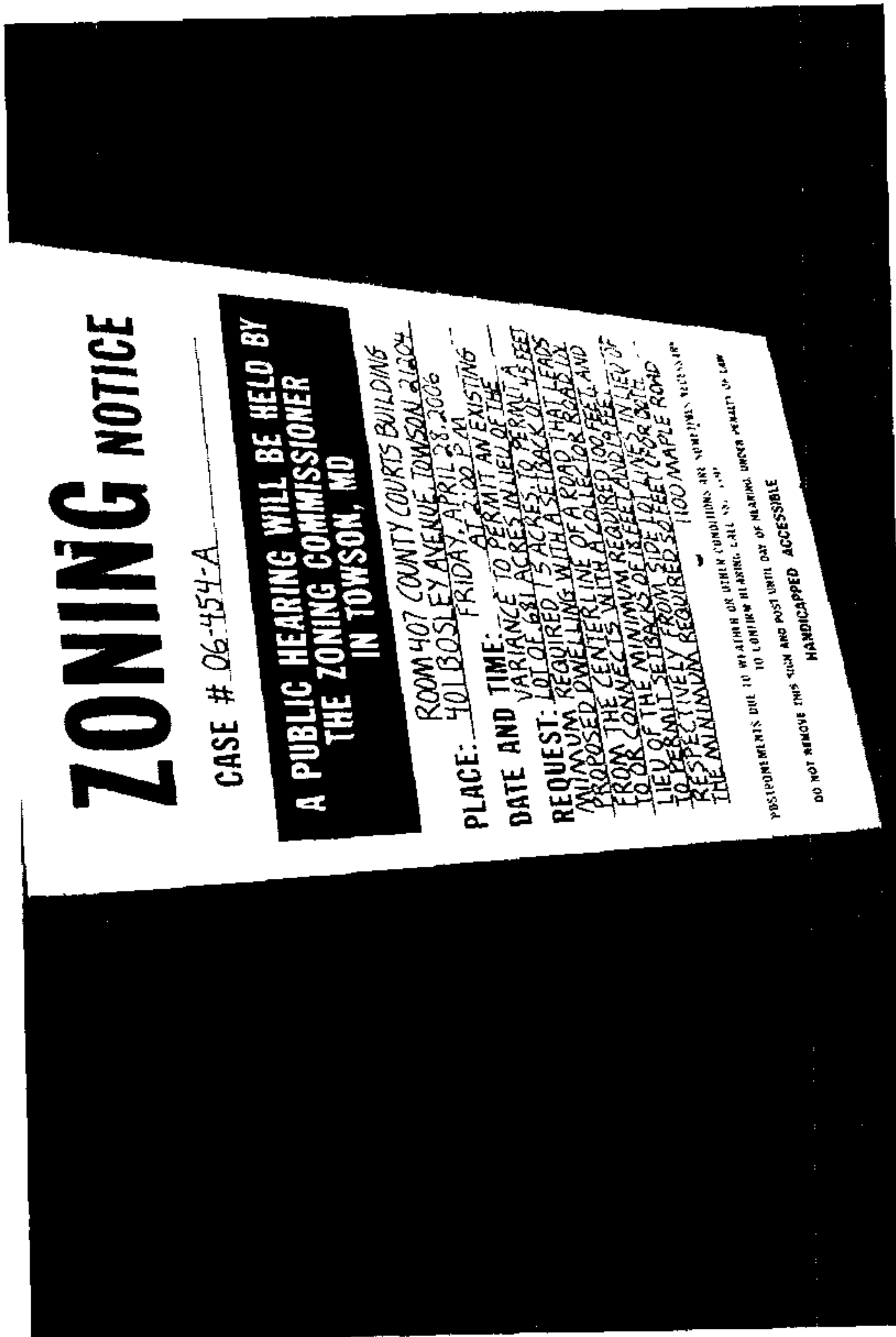
Case Number: 06-454-A

Petitioner/Developer: JOSEPH RASPE--TERRY RUTHERFORD--BUCK JONES

Date of Hearing (Closing): 04/28/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 1100 MAPLE ROAD _____

The sign(s) were posted on: 4/8/06



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

**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: 06-454-A
Petitioner: ~~Back Jones~~ Palms Investment Group, LLC
Address or Location: ~~500 York Road~~ 1100 Maple Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Terry Rutherford
Address: 32 Ketchcay Court
Baltimore, MD 21220
Telephone Number: 410-335-4553

Revised 2/20/98 - SCJ

**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 29, 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: 06-454-A

1100 Maple Road

West side of Maple Road, 1015 feet north of Holly Neck Road

15th Election District – 6th Councilmanic District

Legal Owners: Palms Investment Group, LLC

Contract Purchaser: Terry Rutherford

Variance to permit an existing lot of .681 acres in lieu of the minimum required 1.5 acres, to permit a proposed dwelling with a setback of 45 feet from the centerline of a road that leads to or connects with a collector road in lieu of the minimum required 100 feet, and to permit setbacks of 18 feet and 19 feet respectively from side lot lines in lieu of the minimum required 50 feet (for both).

Hearing: Friday, April 28, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Joseph Raspe/ David Mohr, 11028 Bird River Grove Road, Baltimore 21162
Terry Rutherford, 32 Ketchcay Court, Baltimore 21220
Buck Jones, 500 Vogts Lane, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 13, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 13, 2006 Issue - Jeffersonian

Please forward billing to:
Terry Rutherford
32 Ketchcay Court
Baltimore, MD 21220

410-335-4553

NOTICE OF ZONING HEARING

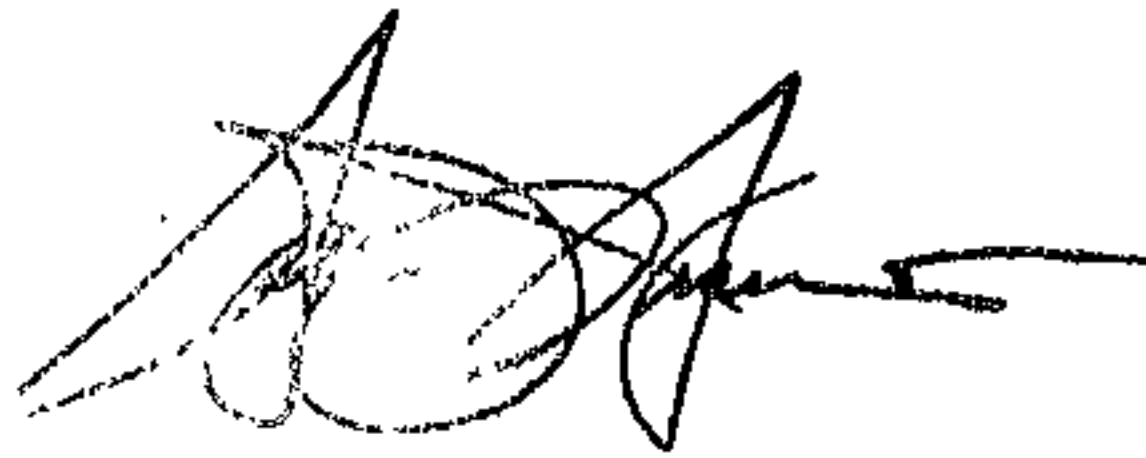
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CASE NUMBER: 06-454-A

1100 Maple Road
West side of Maple Road, 1015 feet north of Holly Neck Road
15th Election District – 6th Councilmanic District
Legal Owners: Palms Investment Group, LLC
Contract Purchaser: Terry Rutherford

Variance to permit an existing lot of .681 acres in lieu of the minimum required 1.5 acres, to permit a proposed dwelling with a setback of 45 feet from the centerline of a road that leads to or connects with a collector road in lieu of the minimum required 100 feet, and to permit setbacks of 18 feet and 19 feet respectively from side lot lines in lieu of the minimum required 50 feet (for both).

Hearing: Friday, April 28, 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**

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 20, 2006

Balms Investment Group, LLC
Joseph Raspe
David Mohr
11028 Bird River Grove Road
Baltimore, MD 21162

Dear Mr. Raspe and Mr. Mohr:

RE: Case Number: 06-454-A, 1100 Maple Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Buck Jones 500 Vogts Lane Baltimore 21221
Terry Rutherford 32 Ketchcay Court Baltimore 21220



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 18, 2006

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

SUBJECT: 1100 Maple Road

INFORMATION:

Item Number: 6-454

Petitioner: Terry Rutherford

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

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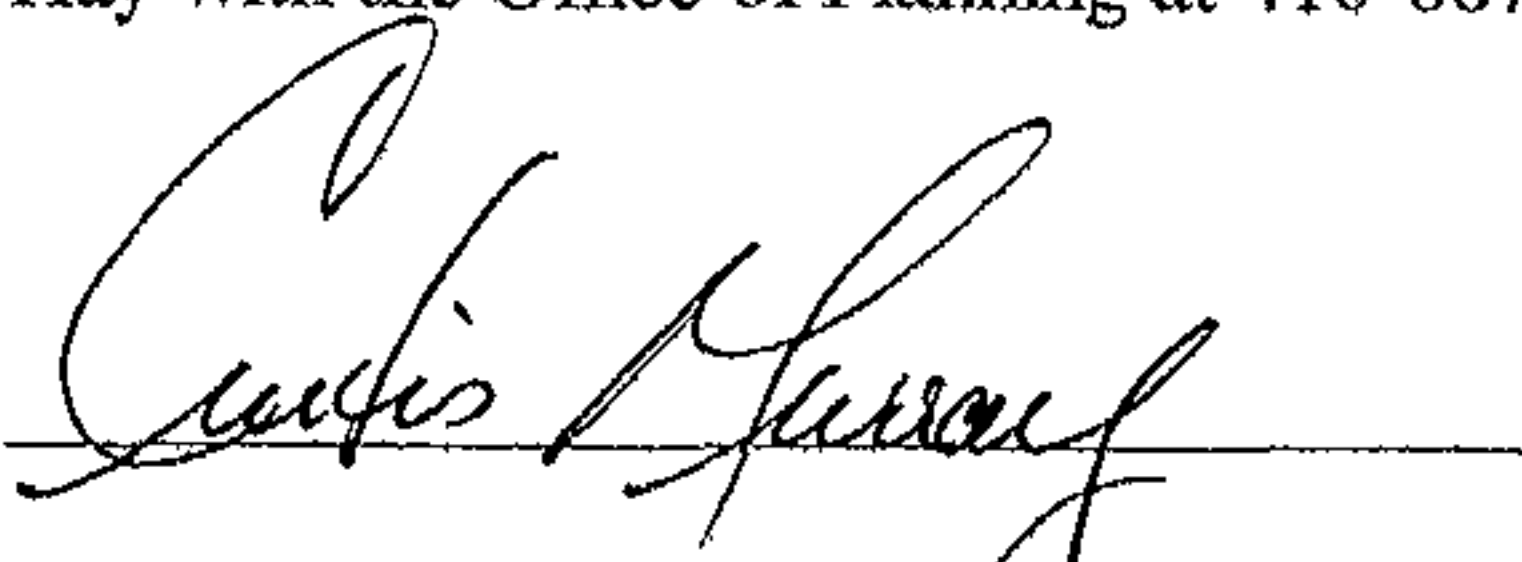
Date 5-10-06

By

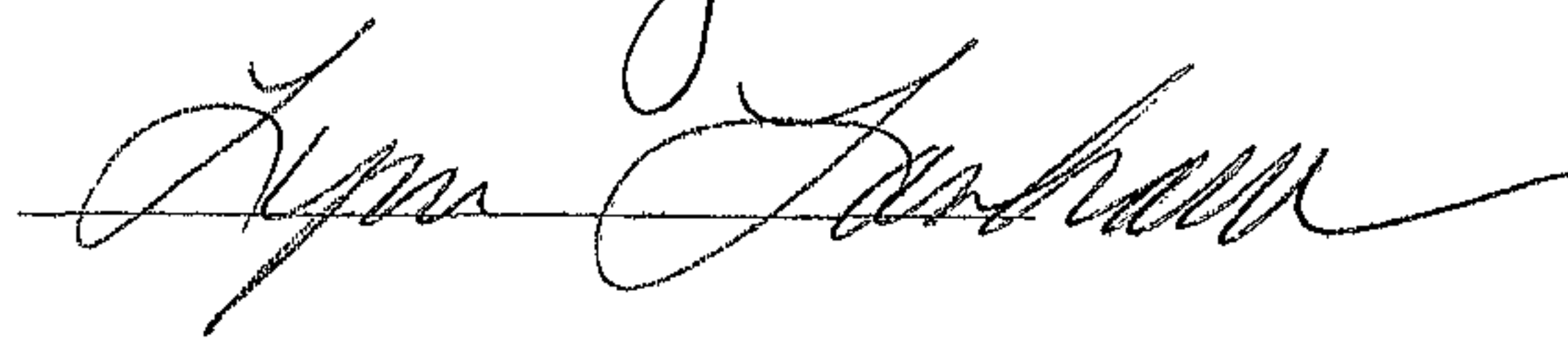
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape;
6. Furthermore, the proposed garage shall be designed and placed so that it does not project beyond the front building line of the living space of the proposed dwelling.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

ORDER RECEIVED FOR FILING

Date 5-10-02

By

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination

DATE: May 10, 2006

SUBJECT: Zoning Item # 06-454-A
Address 1100 Maple Road
(Palms Investment Group, LLC)

Zoning Advisory Committee Meeting of March 27, 2006

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Development of this property must specifically meet Section 33-2-603 of the Baltimore County Code which limits impervious surface area and forest clearing.

Reviewer: G. Shaffer

Date: April 25, 2006

S:\Devcoord\ZAC 06-454.doc

When received for filing
Date 5-10-06
By [Signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 3, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2006
Item Nos. 442, 443, 444, 445, 447, 448,
449, 450, 452, 453, ~~454~~, 455, and 456

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-04032006.doc

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



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

Maryland Department of Transportation

Date: 3.24.01

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

RE: Baltimore County
Item No. 954 JHP

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



Fire Department

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



Baltimore County

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

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

March 29, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 27, 2006

Item Numbers: 442, 443, 444, 445, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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

RE: PETITION FOR VARIANCE	*	BEFORE THE
1100 Maple Road; W/S Maple Road,		
1015' N Holly Neck Road	*	ZONING COMMISSIONER
15 th Election & 6 th Councilmanic Districts		
Legal Owner(s): Balms Investment Group, LLC*		FOR
Contract Purchaser(s): Terry Rutherford		
Petitioner(s)	*	BALTIMORE COUNTY
	*	06-454-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

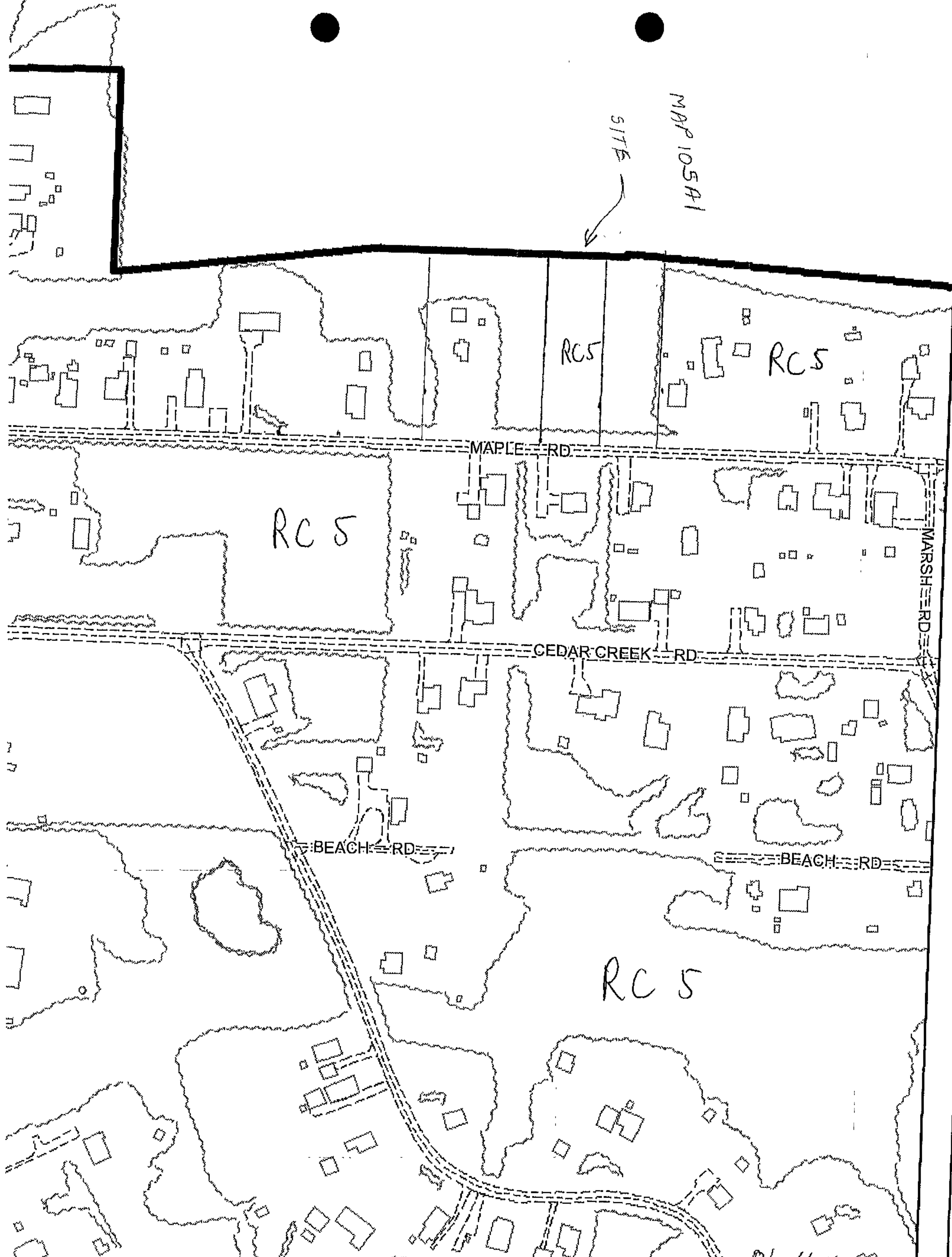
I HEREBY CERTIFY that on this 27th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

RECEIVED
 4/3/06
 Per.....

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

DATE _____

TRUPD 69 AUG 22 PM 1033



MAP 105A1

SITE

RC 5

RC 5

RC 5

RC 5

06-454-A

Case No.:

06-454-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Wayne OREM - Written Comment
No. 2	Bldg Elevations	
No. 3	Site Plan Denoting Forest to Be Cleared	
No. 4	Photographs Collectively 4A thru 4G	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Buck Jones Consultant

(SIGN IN SHEETS – OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning -- My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. **THESE PROCEEDINGS ARE BEING RECORDED**

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number 06-454-A.

This is a Petition for ✓ Variance

Special Hearing

Special Exception

PALMS INVESTMENT GROUP LLC

filed by AS OWNER

and TERRY RUTHERFORD

as Contract Purchaser

for property located at

1100 Maple Road

and zoned RC5.

"Read language from file"

The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted 4-8-06 by LINDA O'KEEFE, an approved sign poster and shows the time, date, place and subject matter of the hearing.

The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.

I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS

LOOK AROUND ROOM – AND ASK – IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST?

NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. _____, since there is no opposition, if you want to make AN **INFORMAL PROFFER** of the *testimony* and *evidence*, you're welcome to do so.

IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you to sign so that we can mail you a copy of the decision in this case.

CBCA

Terry + Kelley Rutherford Purchasers
IS THIS WATERFRONT?? – SIZE OF PROPOSED HOME + Garage

EXPLAIN PROCESS:

First the owner of the property will have an opportunity to present testimony and evidence regarding the _____ request for the property at _____.

Listen carefully, if you have any questions that you want to ask of any witness who testifies, I'll give you an opportunity to do so.

Once Petitioner is finished putting forward their testimony, and you've had an opportunity to ask questions, you will be given an opportunity to present testimony and evidence for me to consider in this _____ request. I'll tell you when it's appropriate to ask questions and when it's appropriate to testify – help you along as we proceed.

PRESENT CASE

SWEAR WITNESS – NAME AND ADDRESS – HAVE A SEAT

All right Mr./Ms. _____, please proceed with your case:

TO PROTESTANTS: Do you have any questions about the testimony that Mr./Ms. _____ just gave? I don't want to hear any testimony from you at this point, but if you would like to ask him/her any questions go ahead.

CLOSE OF PETIONERS CASE: This is your opportunity to tell me why you might be opposed to this _____. Where do you live? How long have you lived there? What is it about the _____ that bothers you/or what would you like to tell me about this case.

CONCLUSION: ALRIGHT – THANK YOU. THIS WILL CONCLUDE THE MATTER.
THANK YOU FOR ATTENDING

I'm not prepared to make a decision here and now.

I want some time to think about the evidence presented – might want to look at the property

Hopefully, within a few weeks, I'll issue a written decision in the case

If you do not like my decision, YOU HAVE A RIGHT TO APPEAL TO THE Board of Appeals. This must be done within 30 days from date of my Order.



FAX COVER PAGE

To: Bill Wireman

From: Wayne Olson

Re: 06-454-A

Date: _____ Time: _____

OF PAGES (INCL. COVER): _____ SENT BY: _____

NOTES:

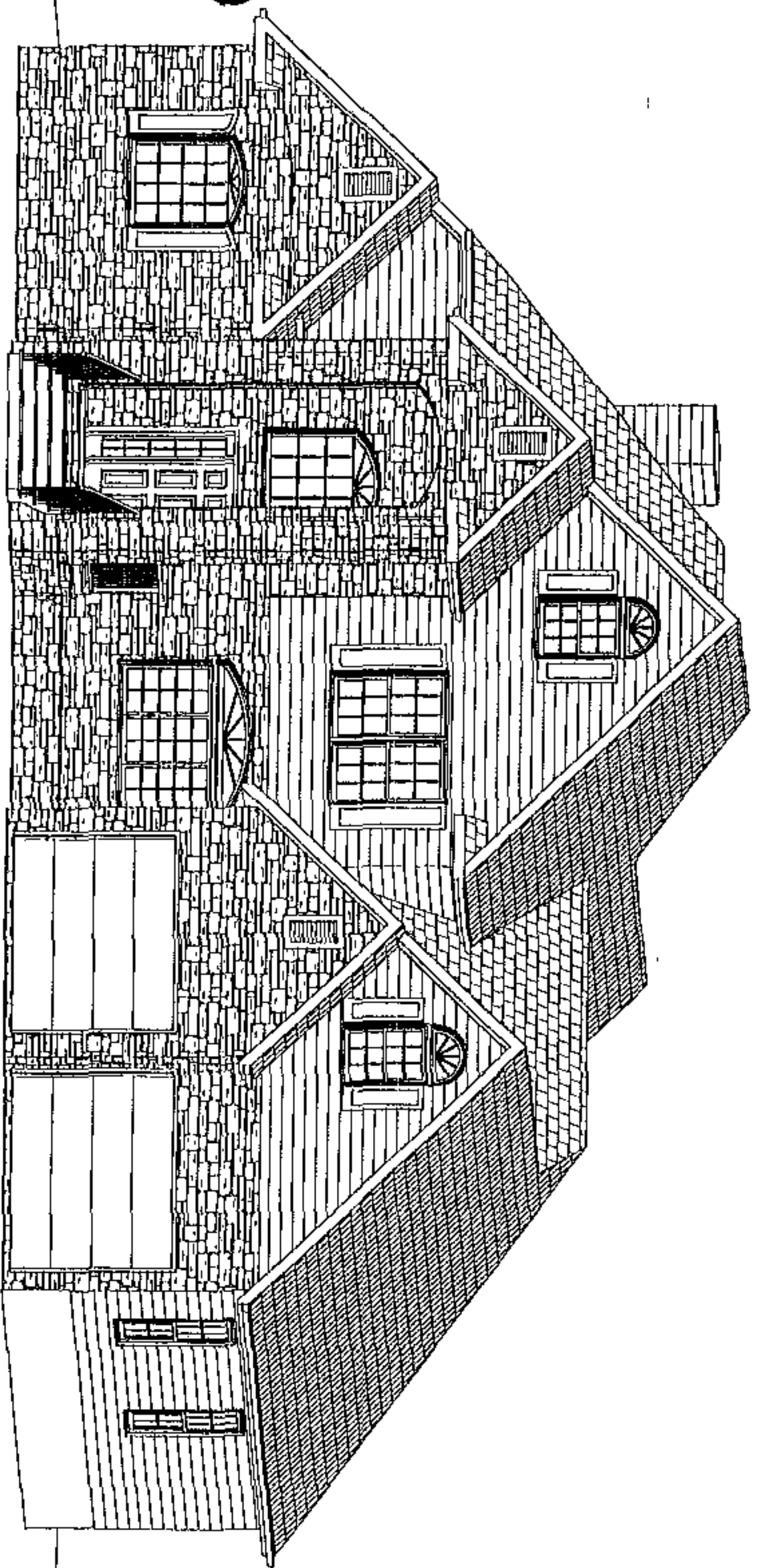
WELSH CONSTRUCTION REMODELING CO.
3901 EAST MONUMENT ST., BALTIMORE, MARYLAND 21205
(410)-732-1360 FAX (410)-563-4760
WWW.WELSH49.COM

Attention: Bill Wiseman
From: Wayne R. Orem
1125 Maple road
Essex Md. 21211
Re: Case # 06-454-A

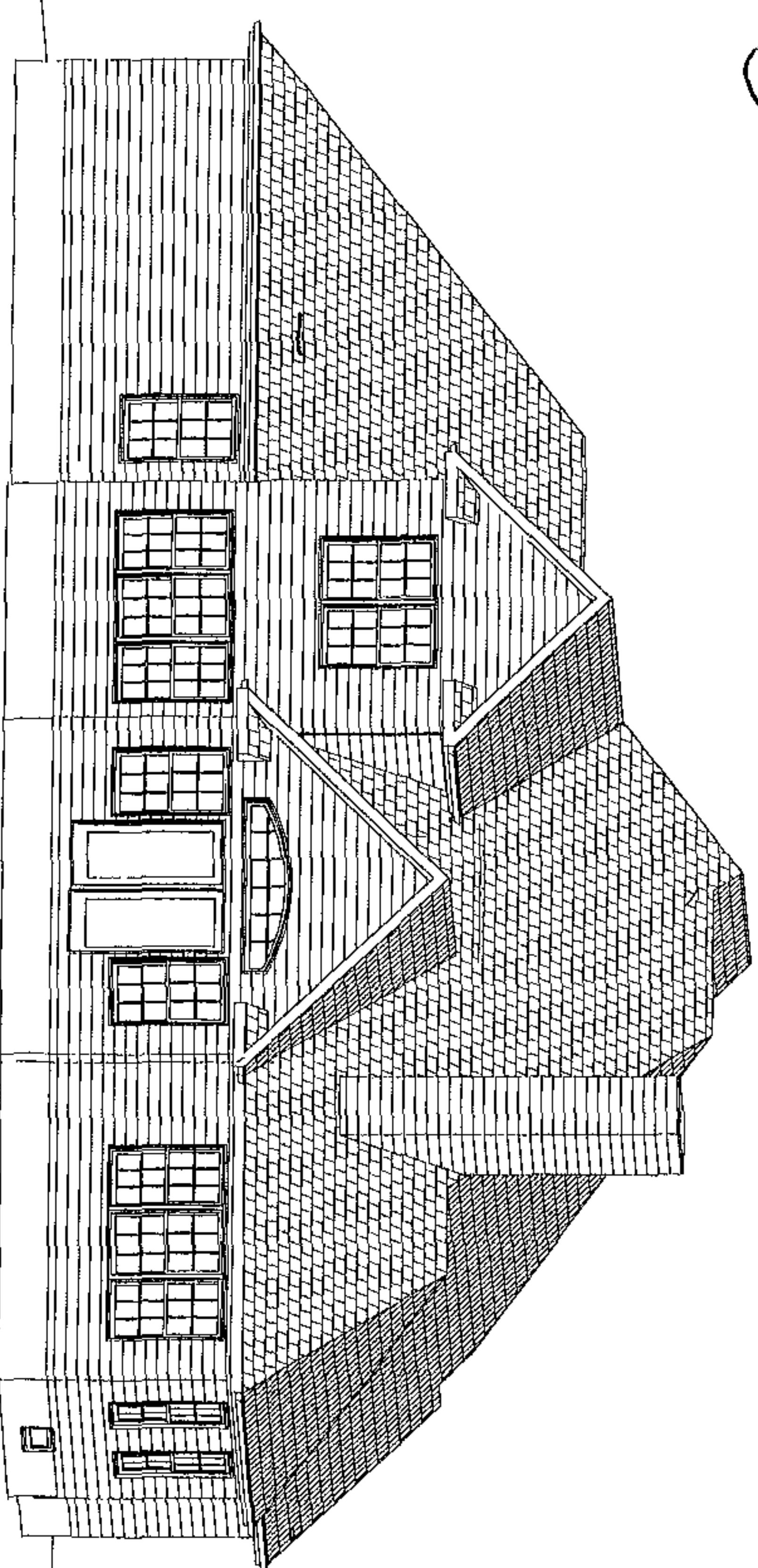
Mr. Wiseman, I would like to voice my concerns regarding the variance for a new home-located 1100 Maple road. When I built my home in 2004 I also needed a zoning variance, the process was demanding. I needed to show detailed plans of what I intended to build and was told my variance would not be granted unless my home enhanced the neighborhood. My house is 4,000 SF with a 2-car garage and full basement. Thinking all future homes must also enhance the community encouraged me. Last year the county allowed a new home to be built via the variance process which is no more than a glorified mobile home. No porch, No sidewalk and no architectural interest. If a variance is granted I would hope it would be for a professional finished job. A two-story colonial with an attached garage and finished porch. I have invested a lot of money in the neighborhood and was told any new home would be doing the same. Please do not allow another "mobile home" Thank You.

PROTESTANT'S

EXHIBIT NO. 1



PETITIONER'S
EXHIBIT NO. 2



FREESTATE GENERAL CONTRACTORS

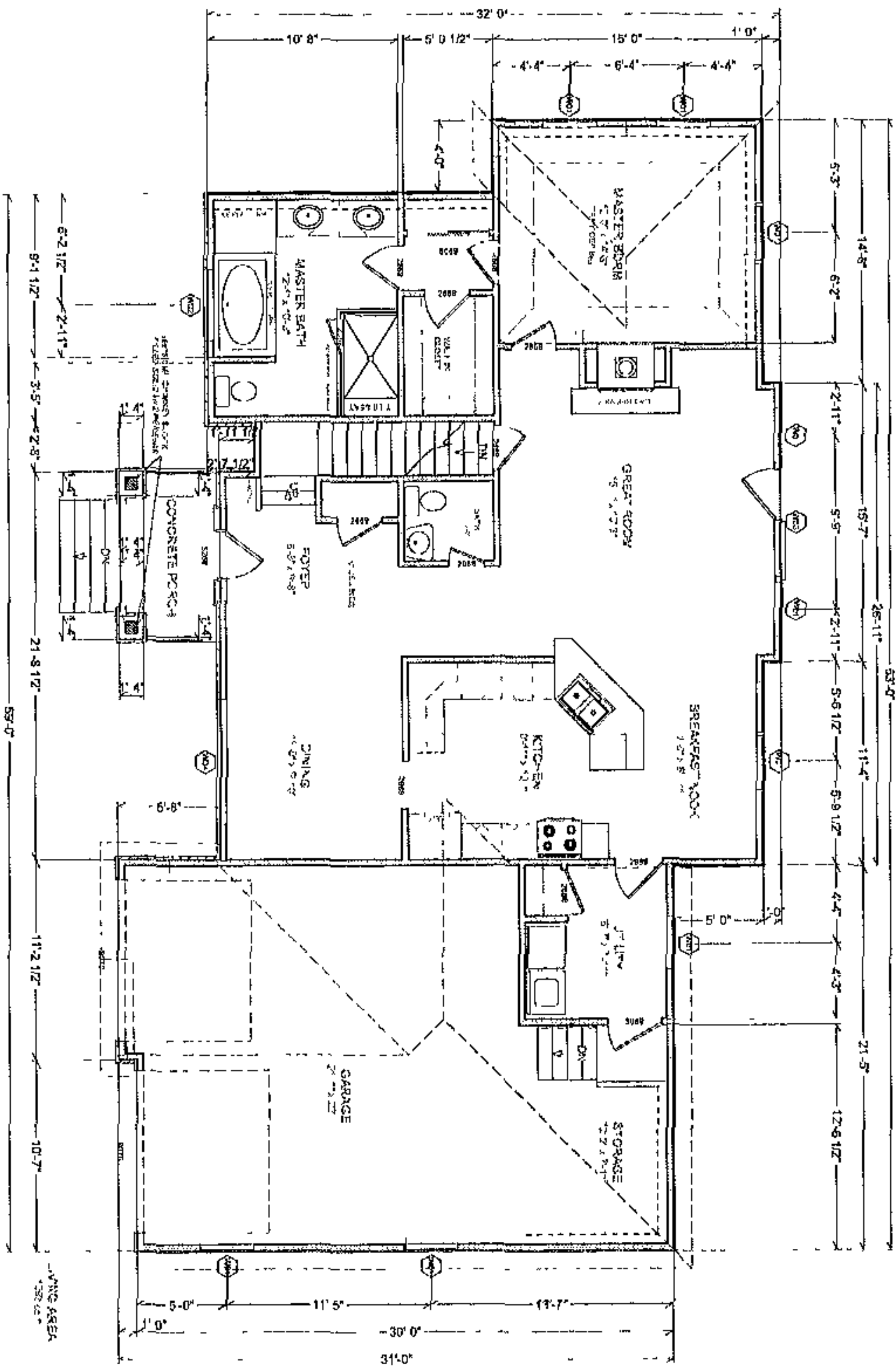
810 BACK RIVER NECK RD 410-574-9337

DATE 03-07-06

RUTHERFORD RESIDENCE
3 D PLANS

DRAWN BY
SKIP STORM
PAGE # 1

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	FOUNDATION	1	sq. ft.	10.00	10.00
2	FLOORING	1	sq. ft.	10.00	10.00
3	WALLS	1	sq. ft.	10.00	10.00
4	CEILING	1	sq. ft.	10.00	10.00
5	ROOFING	1	sq. ft.	10.00	10.00
6	PAINTING	1	sq. ft.	10.00	10.00
7	LANDSCAPING	1	sq. ft.	10.00	10.00
8	POOLING	1	sq. ft.	10.00	10.00
9	DRIVEWAY	1	sq. ft.	10.00	10.00
10	PORCH	1	sq. ft.	10.00	10.00
11	SCREENING	1	sq. ft.	10.00	10.00
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99	POOL	1	sq. ft.	10.00	10.00
100	POOL	1	sq. ft.	10.00	10.00



FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK RD 410-574-9337

SCALE 1/4" = 1'
DATE 03-07-06

RUTHERFORD RESIDENCE
FIRST FLOOR PLAN

DRAWN BY
SKIP STORM
PAGE # 2

BALTIMORE COUNTY, MARYLAND**INTER-OFFICE CORRESPONDENCE**

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

DATE: April 18, 2006

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

RECEIVED

SUBJECT: 1100 Maple Road

INFORMATION:

APR 21 2006

Item Number: 6-454

Petitioner: Terry Rutherford

ZONING COMMISSIONER

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

exhibit #2
Site Plan Okay
Ltray 4/28/06



STANDING BY MAPLE ROAD LOOKING NORTH UP STREET.

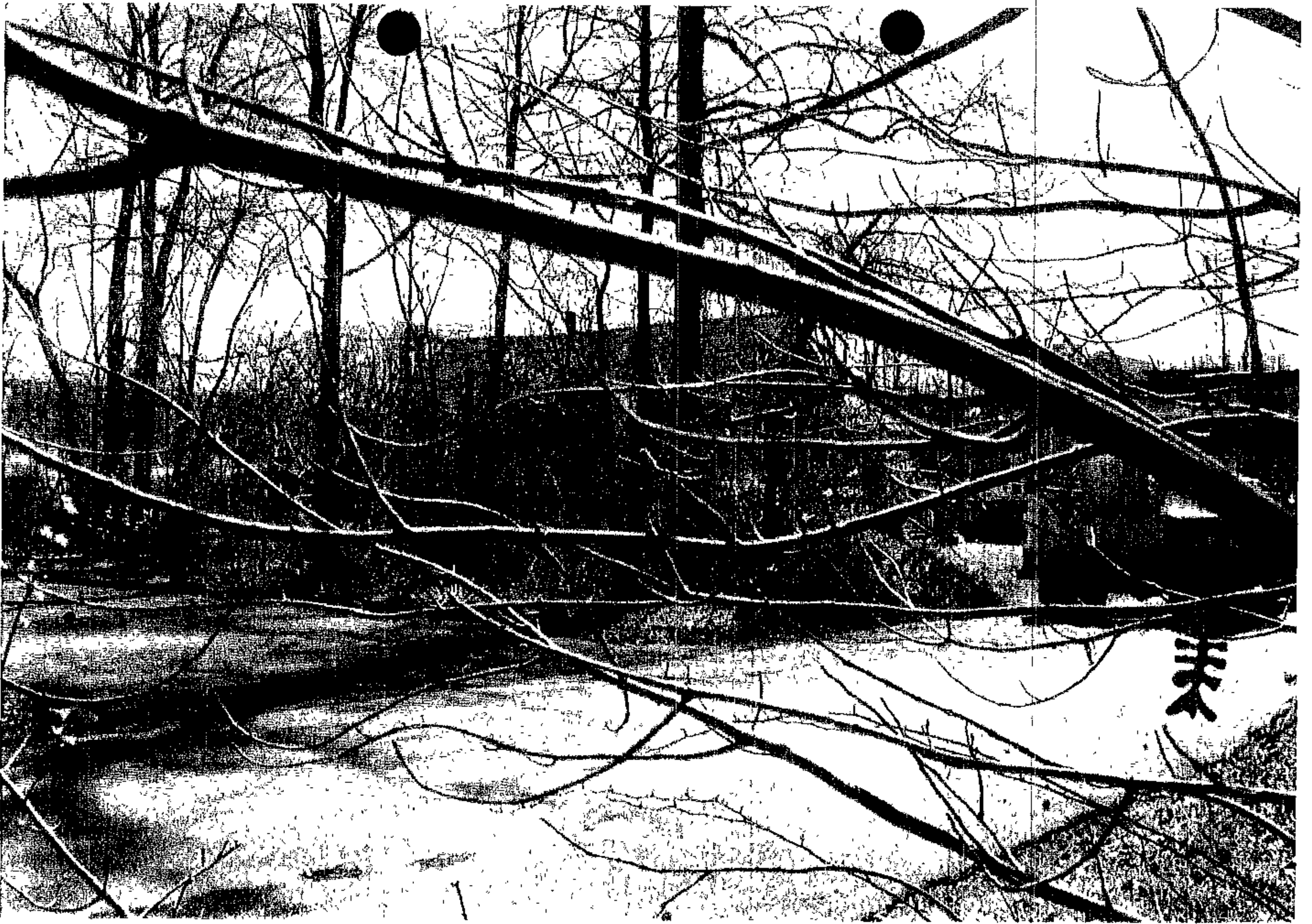
PETITIONER'S

EXHIBIT NO.

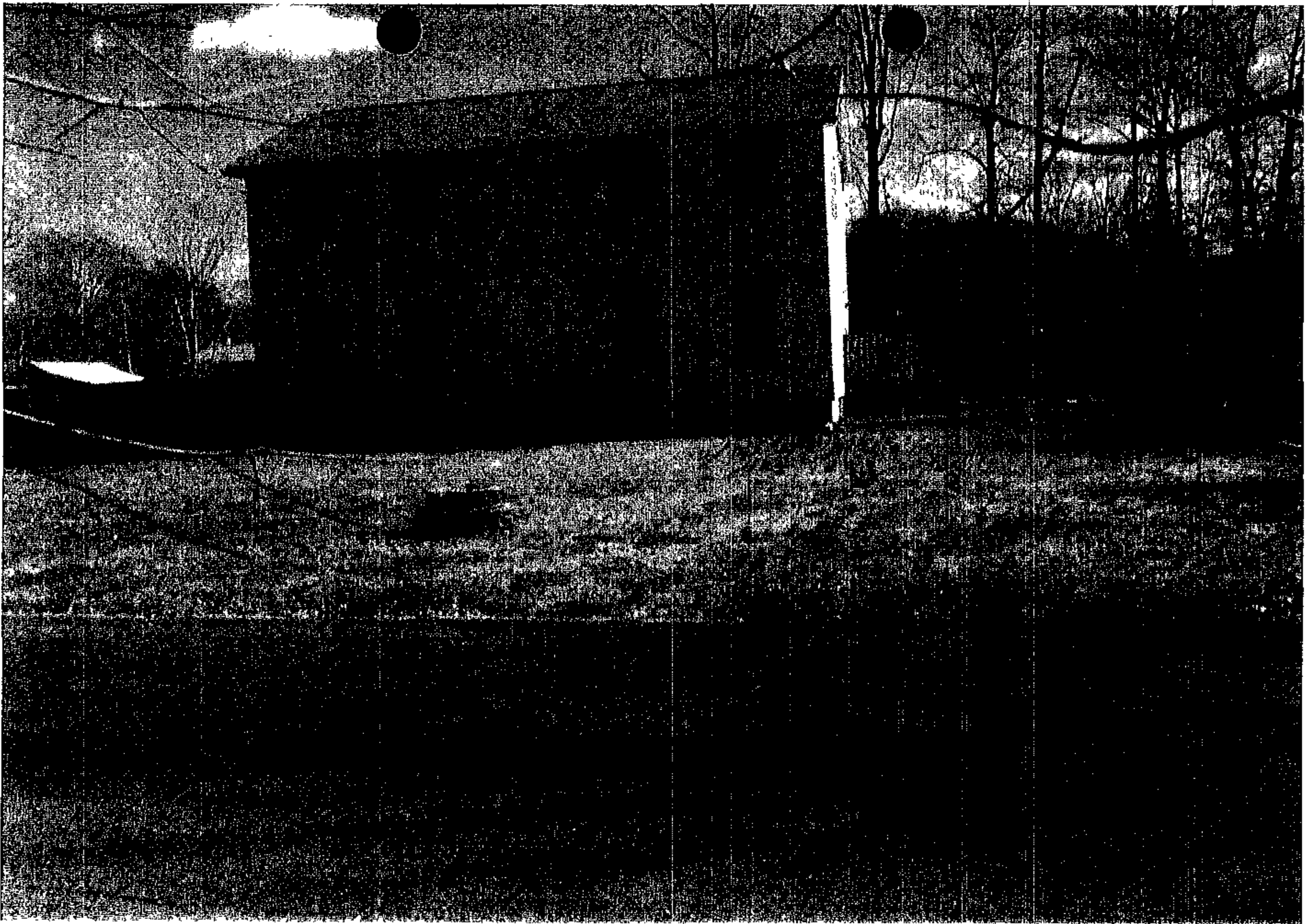
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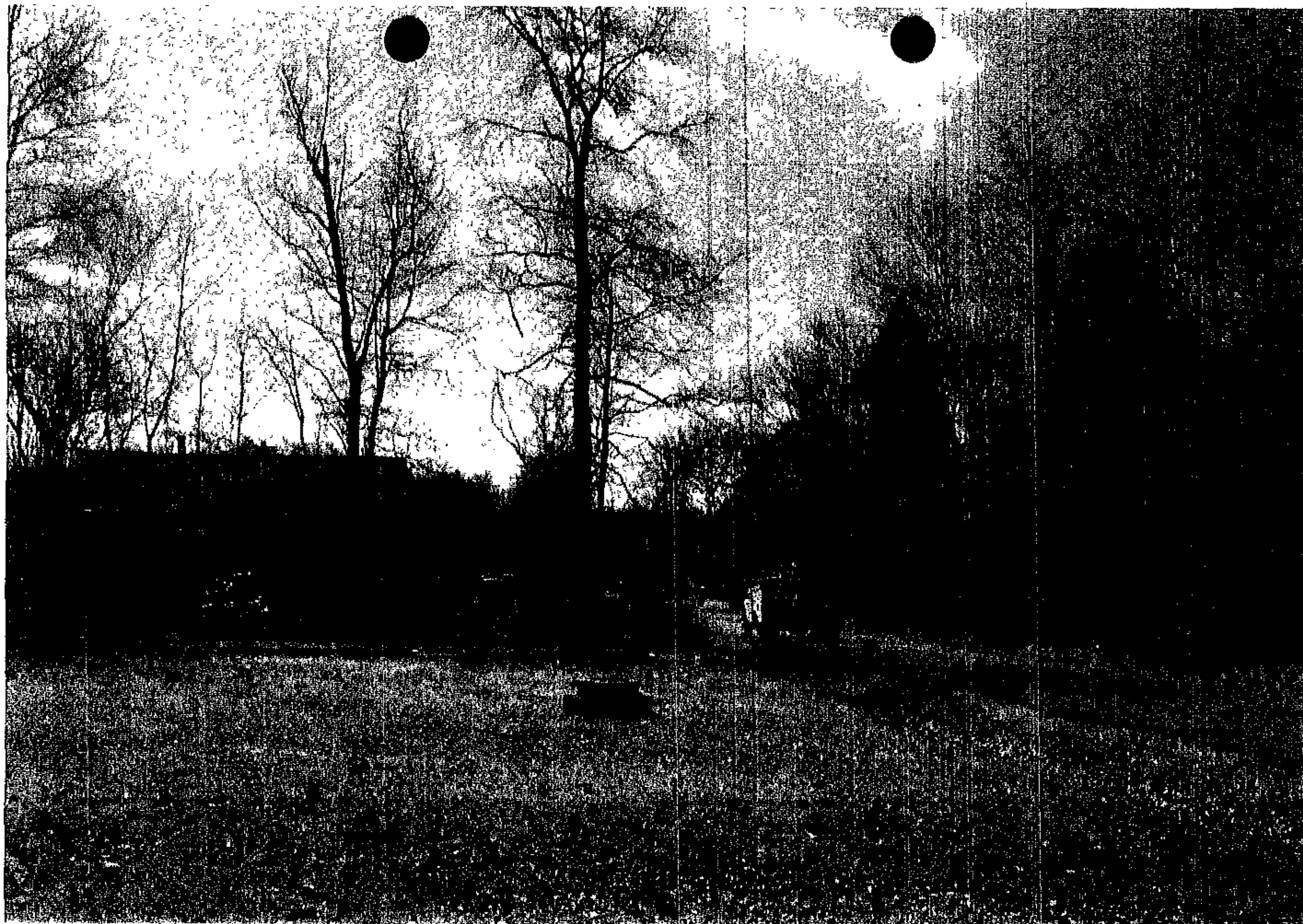
STANDING ON MAPLE ROAD LOOKING NORTH EAST.



STANDING ON MAPLE ROAD LOOKING SOUTH EAST.



STANDING ON PROPOSED PROPERTY LOOKING EAST ACROSS STREET.



STANDING BY MAPLE ROAD LOOKING SOUTH UP STREET.



STANDING ON OTHER SIDE OF FRAME ROAD LOOKING WEST INTO
PROPERTY.



STANDING BY MAPLE ROAD LOOKING SOUTH WEST UP STREET.

Plat to accompany Petition for Zoning ☒ VARIANCE

PROPERTY ADDRESS: 1100 MAPLE RD

Subdivision name: CEDAR BEACH

Plot book # 7 Folio # 186 lot # 26427 Section # 2

OWNER: TERRY & KELLEY RUTHERFORD

22

23

24

25

JAMES & DONNA GERRES
1108 MAPLE AVE
#1501100060

26

27

28

29

DONNA & DONNA AYRES
1030 MAPLE AVE
#1520660521

CRITICAL AREA
FOREST

EXISTING
25'Y
DWELLING

133'

296.83'

56'862

283.57'

EXISTING
25'Y
DWELLING

36'

10'

PROPOSED
25'Y
#1100
DWELLING

PROPOSED
GAR

18'

19'



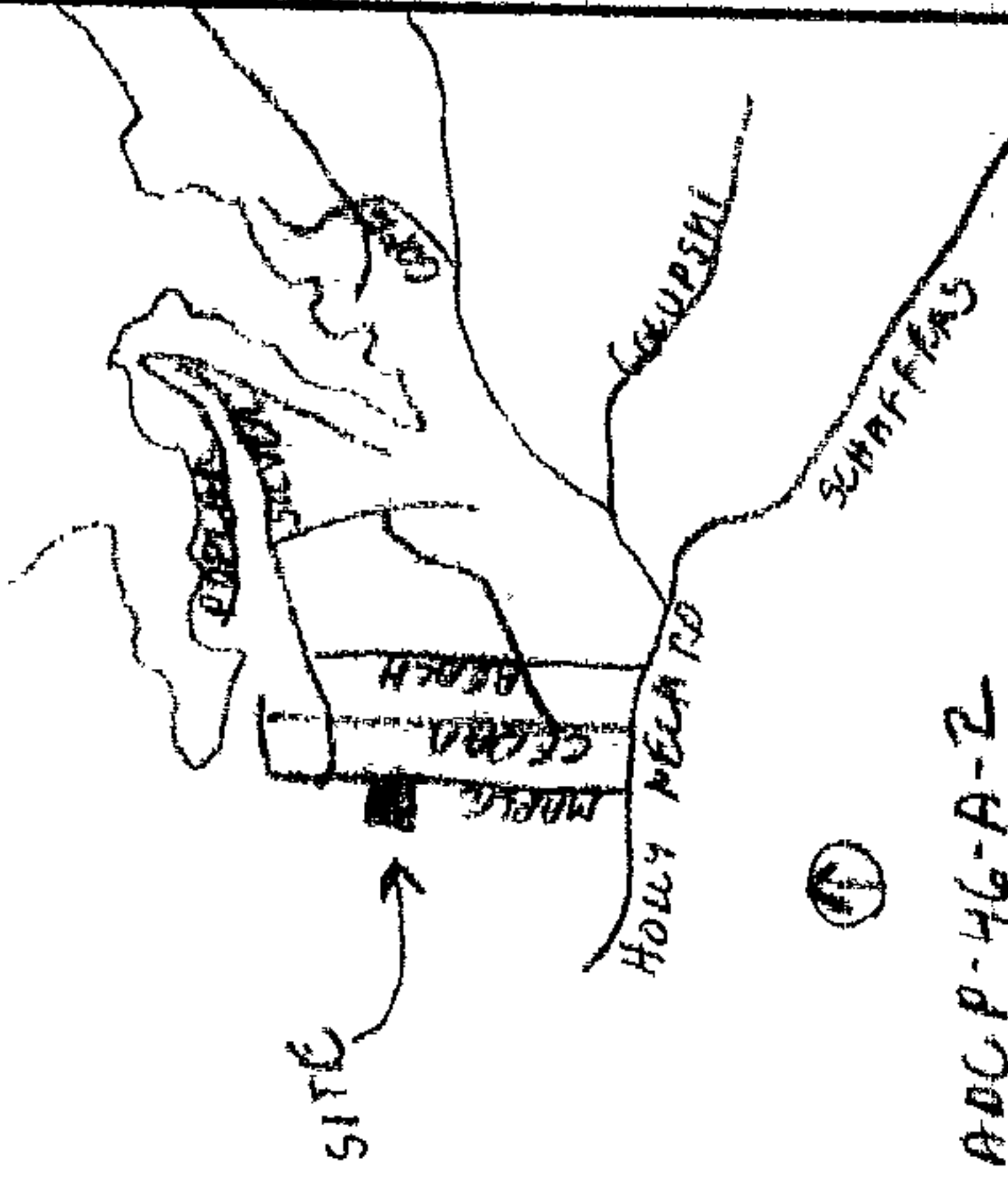
SCALE 1"=30'
DRAWN BY: DICK JONES

34'P.S.

1015' TO
HOLLY NICKER

34'P.S. 196-05

84-66701



ADG P-46-A-2

LOCATION INFORMATION

Election District: 15

COUNCILMANIC DISTRICT: 6

1"=200' scale map #: 105A-1

Zoning: R.C.S

Lot size: 681 29650
Acres: 29650

PETITIONER'S

EXHIBIT NO. 1

SEWER ☒
WATER ☒
PUBLIC ☒

Chesterfield Bay Critical Area

Prior Zoning: Hearings: NONE
100 YR FLOOD MAP: NONE

HISTORIC PROPERTY/BUILDING: NO

Zoning Office Use ONLY

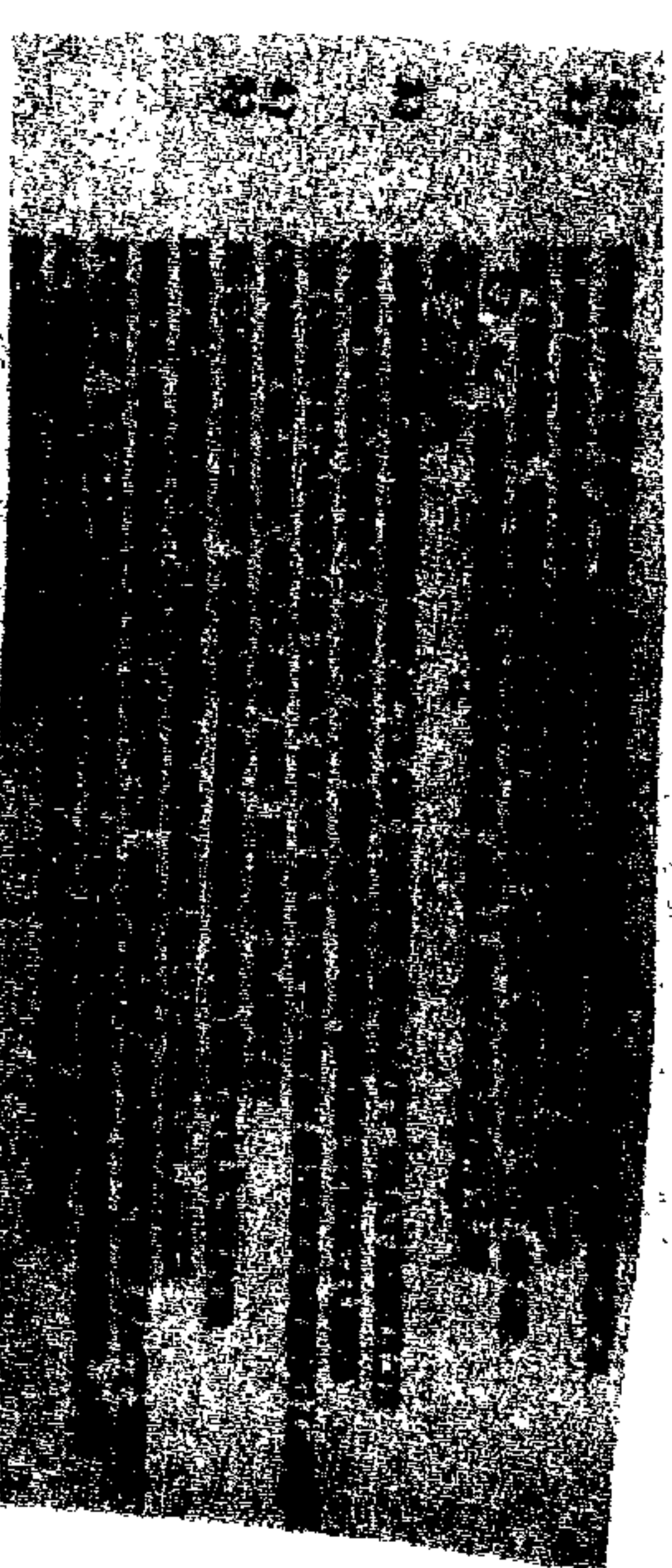
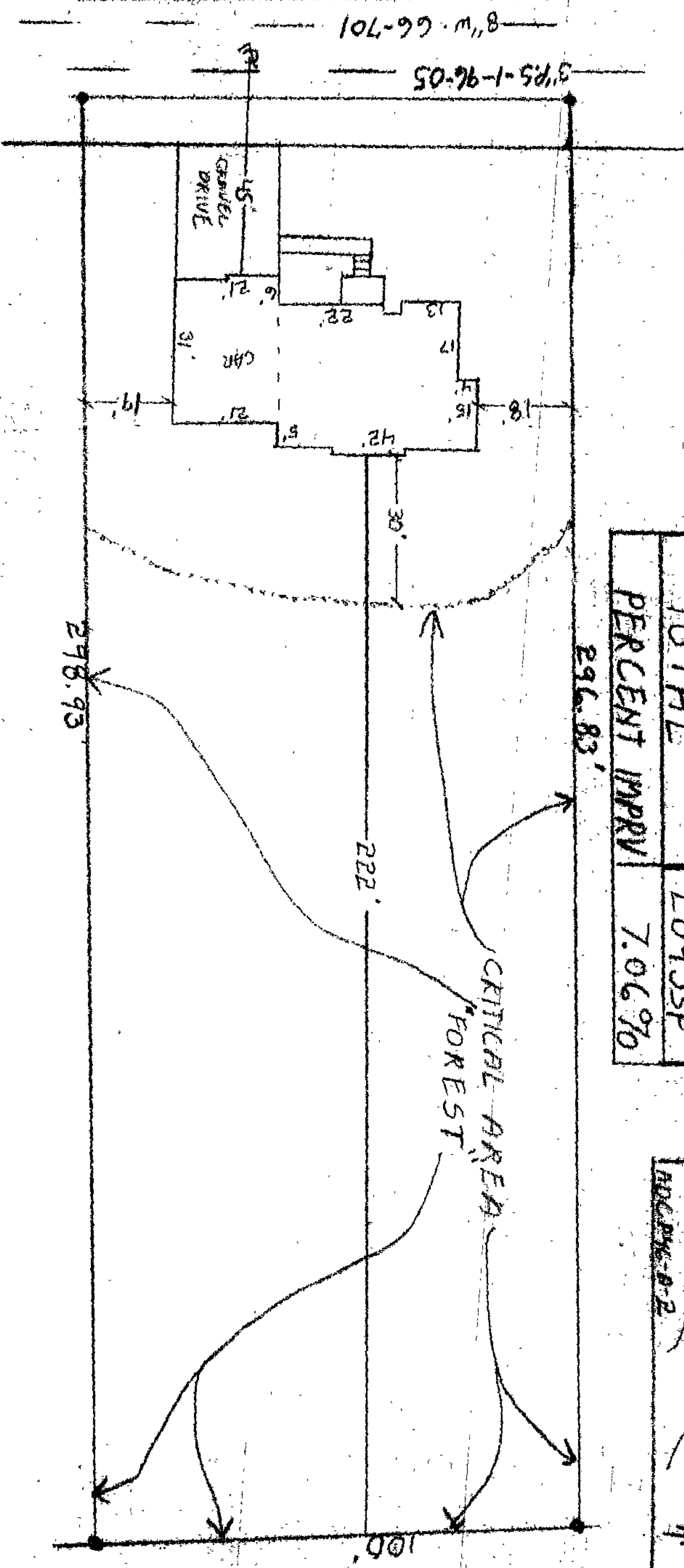
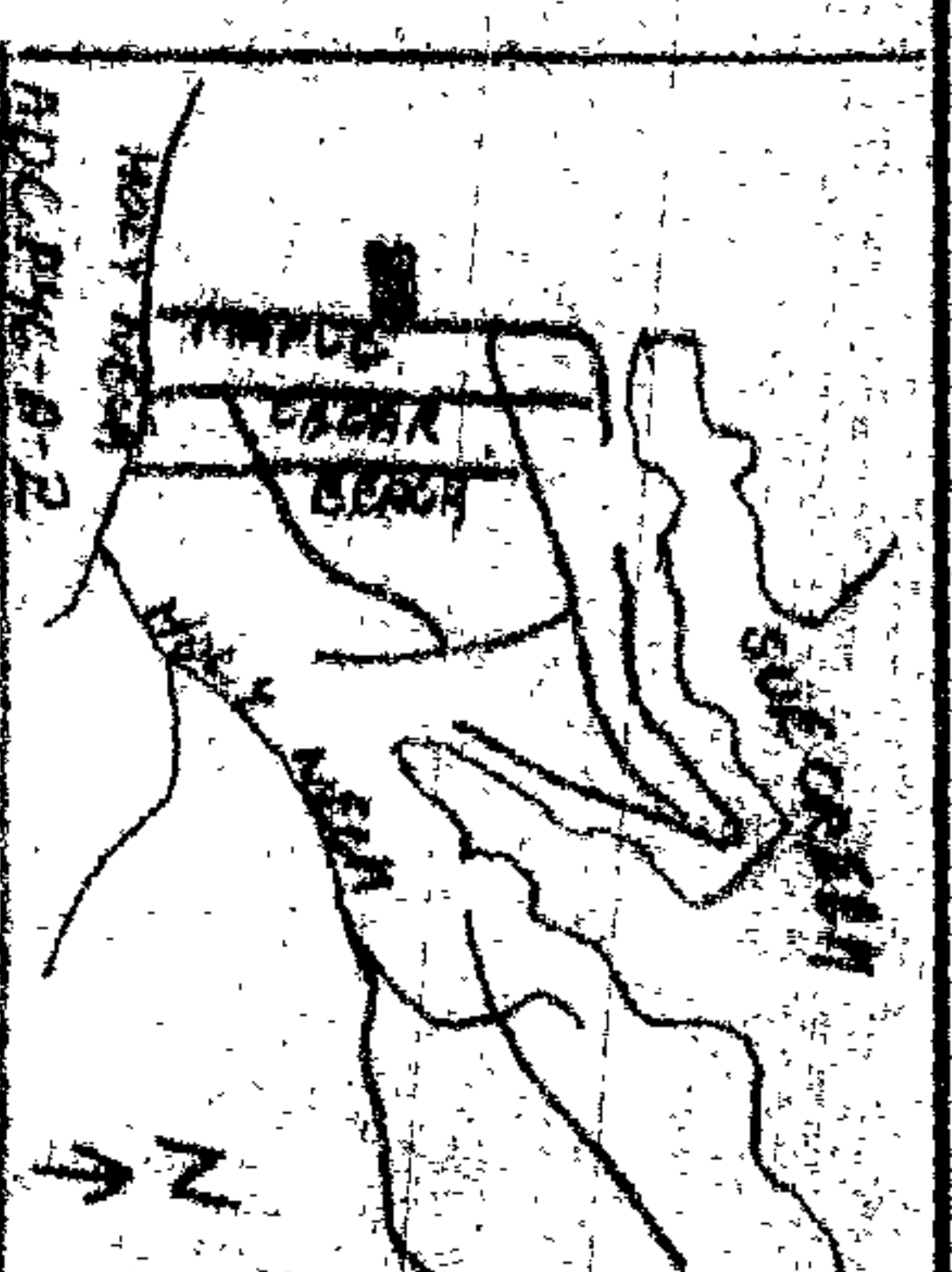
Reviewed by: ITEM # CASE #

JUP 454 106-454-A

TERRY & KELLEY RUTHERFORD
1100 MAPLE ROAD
BALT. MD. 21221
TAX ID: 1508303262 & 1502003490
SUB DIV: CEDAR BEACH
SUB REF: 7/186
COUNCIL DIST. 6
ELECTION DIST. 15
LOTS: #26 & #27
ZONING: RC5
ZONING VAR. #06-454A
LOT SIZE: 29,650 SF / .68 AC

MAPLE RD - 40' RW / 20' PAVED

CRITICAL AREA INFO	
ITEM	SIZE
S.F.D	19675F
SIDE WALKS	1265F
TOTAL	20935F
PERCENT IMPRV	7.06%



6 TOTAL FOREST TO BE CLEARED
77805F OR 30%
7 FEE-IN LIEU = \$4,668

RUTHERFORD SITE PLAN	
SCALE: 1" = 30'	APPROVED BY:
DRAWN BY: BOCH JONES	REVISD
DATE: 4-27-06	
DRAWING NUMBER	

PETITIONER'S
EXHIBIT NO. 3