

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
N/S Poplar Road, 366.14' W of the c/l
Riverside Road * ZONING COMMISSIONER
(346 Poplar Road)
15th Election District * OF BALTIMORE COUNTY
7th Council District *
Richard Shinsky and Stacey North * **Case No. 06-569-A**
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Richard Shinsky and his fiancée, Stacey North, who shortly after filing the Petition became Mrs. Richard Shinsky. In any event, the Petitioners seek relief from Sections 1B02.3A.5.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (proposed swimming pool and existing deck) with a minimum rear yard setback of 7 feet in lieu of the required 22.5 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this regard, a formal demand for public hearing was made by the adjacent property owner, Karen Smith. Thus, a hearing was scheduled before the undersigned on July 25, 2006.

Appearing at the hearing in support of the request were Richard and Stacey Shinsky, property owners. Appearing in opposition to the request were Karen Smith, the adjacent property owner, and several other neighbors, including Barb Smith, Christine Ripple and Donna Sheppard.

ORDER RECEIVED FOR FILING
Date 8-1-06
By [Signature]

Testimony and evidence offered disclosed that the subject property is an irregular shaped lot located on the north side of Poplar Road, just west of Riverside Road and Mace Avenue in Essex. The property is also known as Part of Lots 70 and 71 of the subdivision known as Back River Highlands, and contains a gross area of 11,300 sq.ft., more or less, zoned D.R.5.5. As shown on the site plan, the subject lot is located immediately behind the property owned by Karen Smith, between the Ripple and Romero properties, and is accessed via a panhandle driveway that leads into the site from Poplar Road.

Testimony indicated that the subject lot and the property owned by Karen Smith were previously owned by Gregory B. Girard, Jr. and Susan Schneider. Apparently, the prior owners carved out the subject lot from the Smith parcel and subsequently developed both lots with single family homes. Ultimately, Lot 70 was sold to Karen Smith and the Petitioners purchased the subject lot in February 2005. In any event, testimony disclosed that the Petitioners applied for and obtained a building permit in August 2005 to construct a deck to the rear of their home. As shown on the site plan, the house is centered on the lot and oriented so that its front entrance faces the Romero property to the east and the rear of the home faces the Ripple property to the west. Due to the location of the house, the construction of the deck resulted in a setback of 7 feet from the rear property line adjoining the Ripple property.

Further testimony revealed that the Petitioners recently purchased an above-ground pool and contracted to have it installed. When they applied for their pool permit, they were advised that the permit for the deck had been issued in error and that a minimum rear setback of 22.5 feet must be maintained. Thus, the Petitioners were advised to file the instant Petition to legitimize the location of the existing deck and allow construction of the proposed pool immediately adjacent and attached thereto. As shown on the site plan, the Petitioners propose to construct the pool on the south side of the existing deck, which will maintain the decks reduced setback of 7½ feet from the southern property line adjoining the rear of Ms. Smith's property and 11 feet from the rear (western) property line adjacent to the Ripple property.

For the most part, the Protestants have no objections to the existing deck; however,

CADREX RECEIVED FOR FILING

Date 8-1-09

By D. J. [Signature]

expressed concern over the proposed swimming pool. In this regard, their cumulative testimony was that since the construction of the house on the subject lot, the surrounding residents have experienced flooding problems in their side and rear yards. They argued that there is a drainage easement and underground pipes that run through the Petitioners' property in the area of the proposed pool location and that the Petitioners may be compelled to construct a new pipe under the pool and through the Romero property to the east to carry storm water runoff to a suitable outfall. Finally, although many neighbors initially wrote letters of support which are contained within the case file, they believe that existing drainage problems in the neighborhood will only be exacerbated by the proposed pool. The Petitioners alleged that the requested variance is only necessary because they wish to attach the pool to the existing deck. It is to be noted that setback requirements would be reduced if the pool were installed as a freestanding structure.

After due consideration of all of the testimony and evidence presented, I am persuaded that relief should be granted for the existing deck. I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that strict compliance with the regulations would be unduly burdensome given the circumstances. However, I am persuaded to deny the variance for the swimming pool. The Protestants' testimony in this regard was persuasive that the proposed swimming pool in the location shown on the site plan will aggravate existing drainage problems in the area and adversely impact adjacent properties. I am also concerned about the alleged existence of a drainage easement in the proposed location for the pool and trust that this issue will be resolved during the permitting process should the Petitioners decide to pursue the installation of the pool elsewhere on their property. For all of these reasons, relief will be granted for the existing deck; however, will be denied for the proposed pool.

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 in part and denied in part.

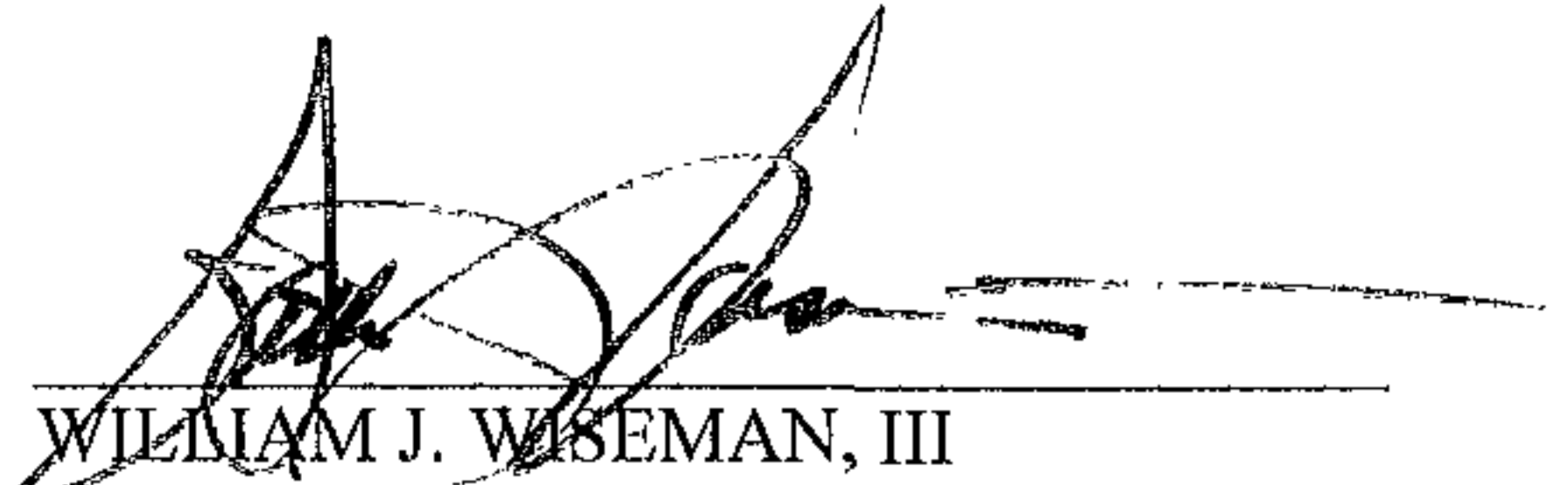
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of August 2006 that the Petition for Administrative Variance seeking relief from

Sections 1B02.3A.5.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (existing deck) with a minimum rear yard setback of 7 feet in lieu of the required 22.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Administrative Variance seeking relief from Sections 1B02.3A.5.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (proposed swimming pool) with a minimum rear yard setback of 7 feet in lieu of the required 22.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

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

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8-1-06
By D. J. [signature]



JAMES T. SMITH, JR.
County Executive

August 1, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Richard Shinsky
346 Poplar Road
Essex, Maryland 21221

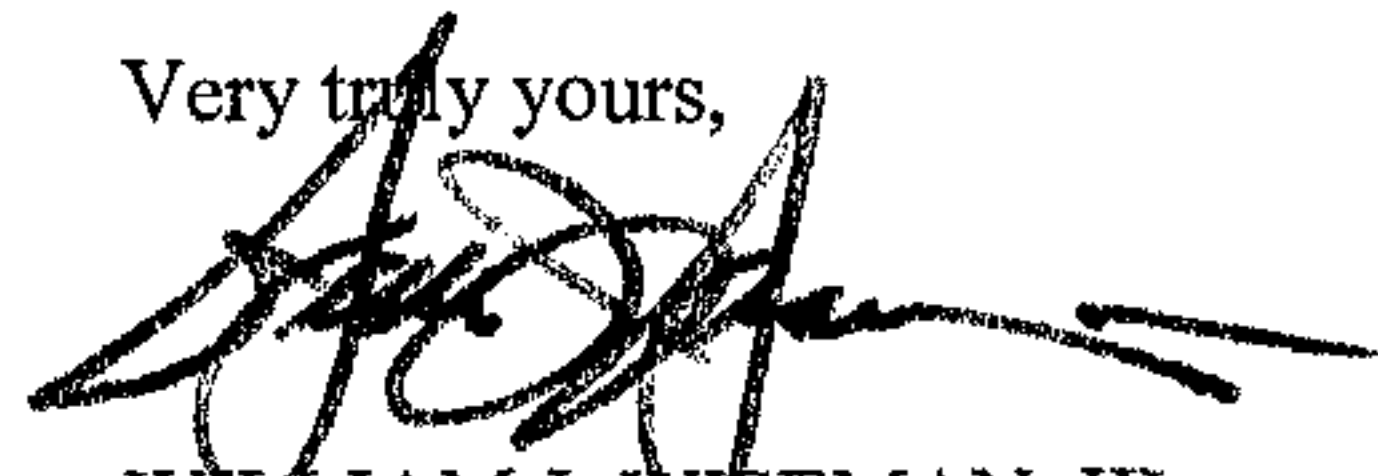
RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
N/S Poplar Road, 366.14' W of the c/l Riverside Road
(346 Poplar Road)
15th Election District – 7th Council District
Richard Shinsky & Stacey (North) Shinsky - Petitioners
Case No. 06-569-A

Dear Mr. & Mrs. Shinsky:

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

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

Very truly yours,



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Karen Smith, 344 Poplar Road, Baltimore, Md. 21221
Ms. Barb Smith, 350 Poplar Road, Baltimore, Md. 21221
Ms. Christine Ripple, 342 Poplar Road, Baltimore, Md. 21221
Ms. Donna Sheppard, 355 Townsend Road, Baltimore, Md. 21221
People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 346 Poplar Rd Essex 21221
which is presently zoned D.R.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) BO2.3A.5., 301.1 (BOZR)

TO PERMIT AN OPEN PROTECTION (POOL AND EXISTING DECK) WITH A
MINIMUM REAR SETBACK OF 7-FEET IN LIEU OF THE REQUIRED
22.5-FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

As a public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Stacey North

Name - Type or Print

Stacey North

Signature

Richard Shinsky

Name - Type or Print

Richard Shinsky

Signature

346 Poplar Rd

Address

4106873500

Telephone No.

Essex

City

MD

State

21221

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO.

06-569-A

Reviewed By

D.T.

Date

5/9/06

Estimated Posting Date

5/21/06

ORDER RECEIVED FOR FILING

RECEIVED 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 346 Poplar Road
City Essex State MD Zip Code 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Based on the position of the house on the lot, there is no other reasonable location to have a pool installed.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Stacey North
Signature
Stacey North
Name - Type or Print

Richard Walter Shinsky
Signature
Richard Shinsky
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of May, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Stacey So North & Richard Walter Shinsky
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires _____

ZONING DESCRIPTION FOR 346 POPLAR
ROAD ESSEX, MD 21221

Beginning for the same on the North side of Poplar Road which is 50 feet wide at the distance of 366.14 feet West of the centerline of the nearest improved intersecting street Riverside Road which is 50 feet wide. *Being lot # 70, in the subdivision of Back River Highlands as recorded in Baltimore County Book # 4, Folio # 64, containing 11,300 square feet. Also known as 346 Poplar Road and located in the 15th Election District, 7th Councilmanic District, 13th Precinct..



FORMAL DEMAND FOR HEARING

CASE NUMBER: 06-569-A

Address: 346 POPLAR RD. 21221

Petitioner(s): NORTH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We KAREN SMITH
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of
344 POPLAR RD.
Address

ESSEX MD 21221
City State Zip Code

410-918-1868
Telephone Number

which is located approximately 0' feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Karen L. Smith 6/5/06
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

Karen L. Smith
344 Poplar Rd.
BA Ho. Md. 21221

June 5, 2006

To Whom it may Concern:

This letter is to confirm my request for a "Demand for Hearing" in reference to the installation of a pool + deck at 346 Poplar Rd. I am requesting a hearing since I feel this will directly affect the drainage on my property.

Sincerely,

Karen Smith
JUNE 5 2006

RECEIVED

JUN 05 2006

Per DT

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0280

DATE 5/2/02 ACCOUNT 0010066150

AMOUNT \$ 5.00

RECEIVED FROM STREET LIGHT

FOR STREET LIGHT - 06-07-9-4

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: #06-569-A
346 Poplar Road
North side of Poplar Road,
366.14 feet west of River-
side Road
15th Election District
7th Councilmanic District
Legal Owner(s): Stacey North
and Richard Shinsky
Variance: to permit an
open projection (pool and
existing deck) with a mini-
mum rear setback of 7 feet
in lieu of the required 22.5
feet.

**Hearing: Tuesday, July
25, 2006 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley
Avenue, Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

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

JT/7/629 July 11 101577

CERTIFICATE OF PUBLICATION

7/13/2006

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 7/11/2006.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-569-A

Petitioner/Developer: STACEY

NORTH & RICHARD SHINSKY

Date of Hearing/Closing: JULY 25, 2006

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:

RD
346 POPLAR RD

The sign(s) were posted on 7-8-06
(Month, Day, Year)

Sincerely,

Robert Black 7-10-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

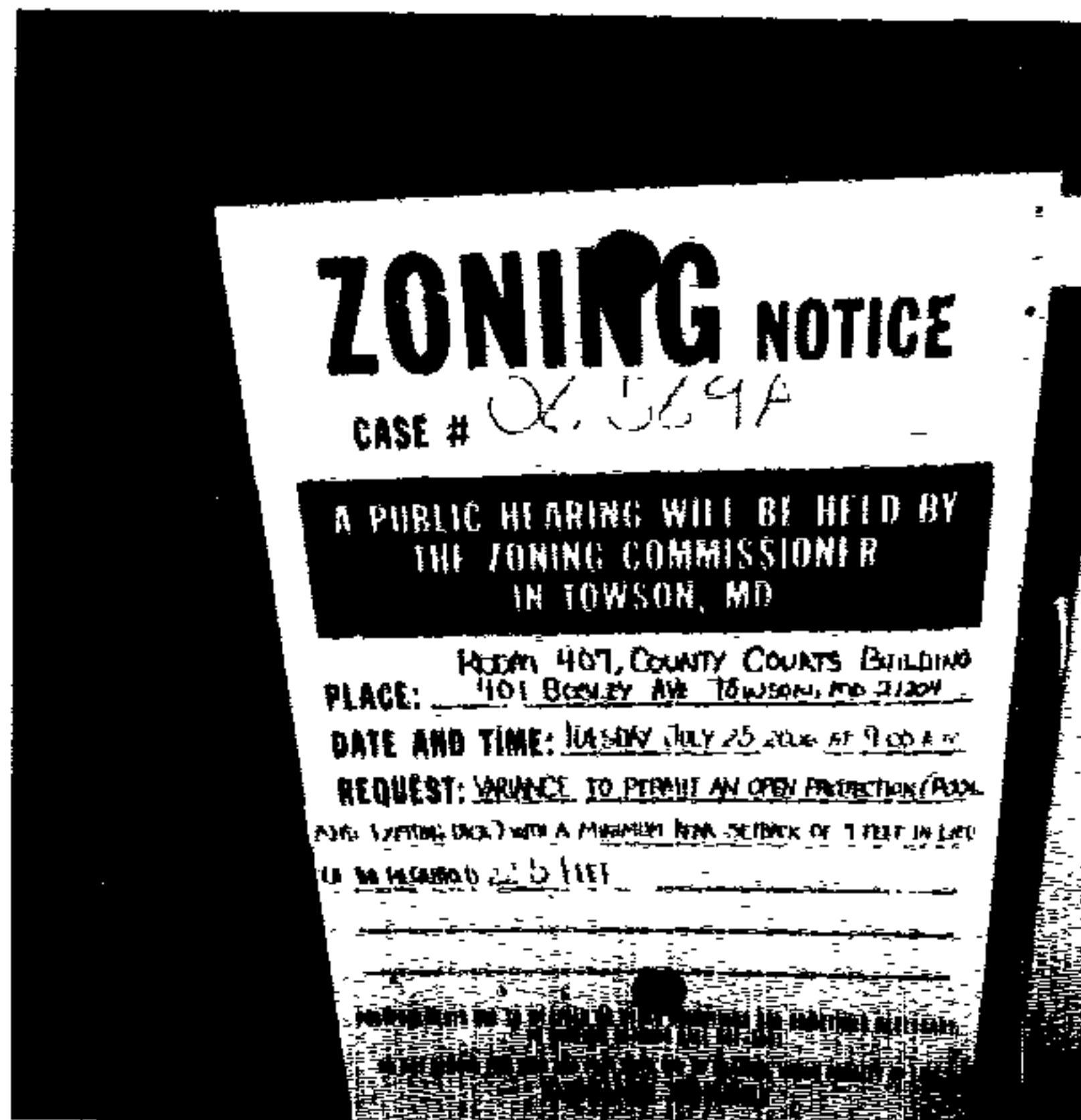
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

RE: Case No.: 06-569-A

Petitioner/Developer: NORTH

SHINGRY

Date of Hearing/Closing: 6-5-06

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: _____

346 POPLAR RD

The sign(s) were posted on _____

5-21-06
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

5-22-06
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

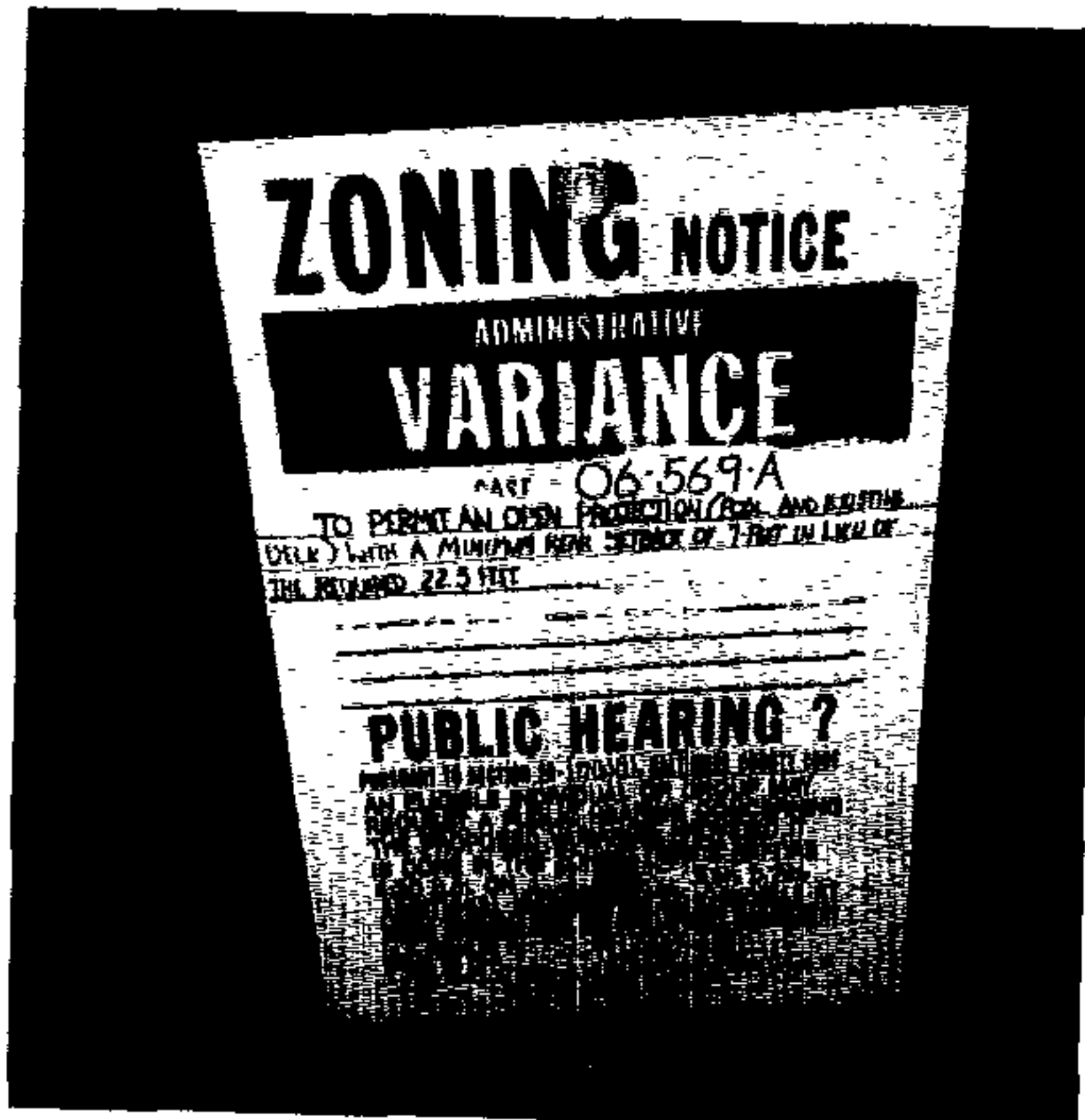
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**Department of Permits and
Development Management**



Baltimore County

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

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

June 7, 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: 06-569-A

346 Poplar Road
North side of Poplar Road, 366.14 feet west of Riverside Road
15th Election District – 7th Councilmanic District
Legal Owners: Stacey North and Richard Shinsky

Variance to permit an open projection (pool and existing deck) with a minimum rear setback of 7 feet in lieu of the required 22.5 feet.

Hearing: Tuesday, July 25, 2006 at 9:00 a.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: Stacey North, Richard Shinsky, 346 Poplar Road, Essex 21221
Karen Smith, 344 Poplar Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 10, 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
Tuesday, July 11, 2006 Issue - Jeffersonian

Please forward billing to:
Stacey North
346 Poplar Road
Essex, MD 21221

410-687-3560

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: 06-569-A

346 Poplar Road
North side of Poplar Road, 366.14 feet west of Riverside Road
15th Election District – 7th Councilmanic District
Legal Owners: Stacey North and Richard Shinsky

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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**

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

June 7, 2006

Stacey North
Richard Shinsky
346 Poplar Road
Essex, MD 21221

Dear Mr. Shinsky and Ms. North:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-569-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand concerning the above-proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Karen Smith, 344 Poplar Road, Baltimore 21221



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 569 -A

Address 346 POPLAR RD.

Contact Person: DONNA THOMPSON

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/9/06

Posting Date: 5/21/06

Closing Date: 6/5/06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 569 -A

Address 346 POPLAR RD.

Petitioner's Name NORTH / SHINSKY

Telephone 410-681-3560

Posting Date: 5/21/06

Closing Date: 6/5/06

Wording for Sign: To Permit AN OPEN PROTECTION (POOL AND EXISTING DECK) WITH

A MINIMUM REAR SETBACK OF 7- FEET IN LIEU OF THE REQUIRED

22.5- FEET.

WCR - Revised 6/25/04

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: 06-569-A

Petitioner: NORTH / SHINSKY

Address or Location: 346 POPLAR RD. 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. STACEY NORTH

Address: 346 POPLAR RD.

ESSEX, MD 21221

Telephone Number: 410-687-3560

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

May 16, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15, 2006

Item Numbers: 558 thru 573

569

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 15, 2006

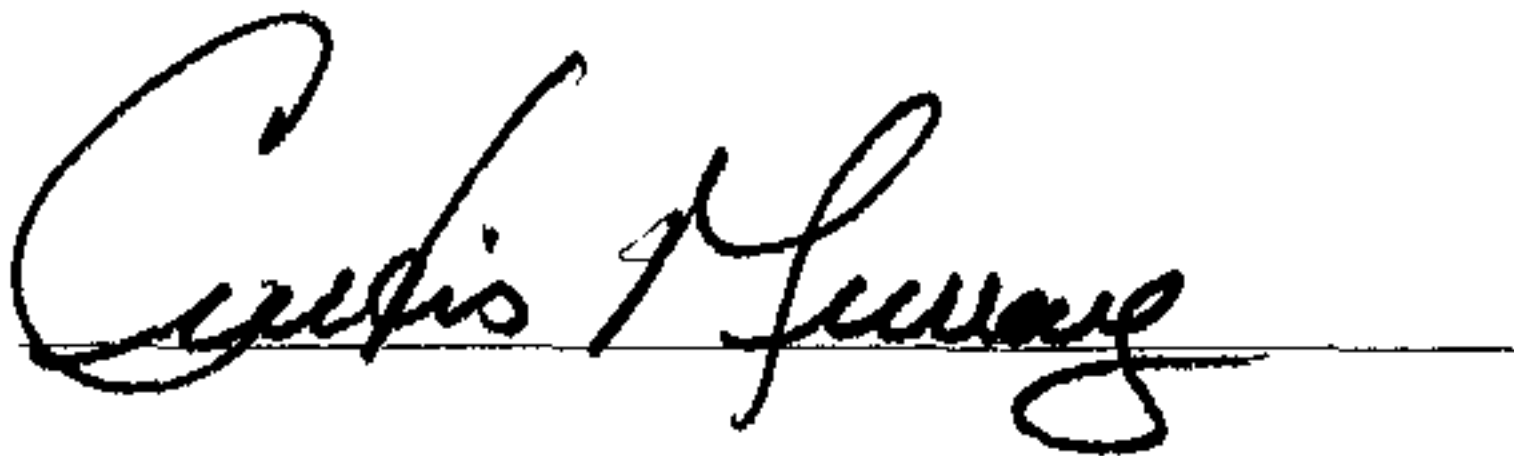
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-569- Administrative Variance**

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

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

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUN 19 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 25, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2006
Item No. 569, 570, 574, 575, 576, 577,
578, 579, 583, 584, 586, and 588

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-05252006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM – Development Coordination *JWL*

DATE: May 31, 2006

SUBJECT: Zoning Item # See List Below

Zoning Advisory Committee Meeting of May 22, 2006

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

06-569-A
06-570-A
06-574-SPH
06-575-A
06-576-A
06-577-A
06-580-SPH
06-583-SPH
06-584-SPHA
06-586-A

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: June 5, 2006

TO: Zoning Commissioner & File

FROM: Donna Thompson, Planner II
Zoning Review

SUBJECT: Petition for Administrative Variance, Case No. 06-569-A
346 Poplar Rd.
15th Election District

Recently I signed off a building permit for the new deck at the above location. Apparently there was a misunderstanding during the application process and this permit was actually approved in error. The petitioners are now requesting to erect a pool and attaching this pool to the existing deck.

Today we have received several phone calls from neighbors. Their complaint is that the sign is posted but hidden from view. They do not want to pay the \$50.00 fee to demand a public hearing. These phone calls have been received by numerous staff who have stated to me that the neighbors are worried about water runoff.

DT

349 Townsend Road
Essex, MD 21221

.....
May 8, 2006

Baltimore County Permits and Development
111 West Chesapeake Avenue
Towson, MD 21204

Dear Commissioner:

I am writing this letter to inform the county that I am the property owner at 349 Townsend Road in Essex, MD. I do not have any objection to Stacey North and Richard Shinsky, installing an above ground swimming pool on their property located at 346 Poplar Road.

Sincerely,



Rose Knudsen

.....

06-569-A

342 Poplar Road
Essex, MD 21221

.....
May 6, 2006

Baltimore County Permits and Development
111 West Chesapeake Avenue
Towson, MD 21204

Dear Commissioner:

I am writing this letter to inform the county that I am the property owner at 342 Poplar Road in Essex, MD. I do not have any objection to Stacey North and Richard Shinsky, installing an above ground swimming pool on their property located at 346 Poplar Road.

Sincerely,



Christine Ripple

.....

06-569-A

348 Poplar Road
Essex, MD 21221

.....
May 6, 2006

Baltimore County Permits and Development
111 West Chesapeake Avenue
Towson, MD 21204

Dear Commissioner:

I am writing this letter to inform the county that I am the property owner at 348 Poplar Road in Essex, MD. I do not have any objection to Stacey North and Richard Shinsky, installing an above ground swimming pool on their property located at 346 Poplar Road.

Sincerely,

Debora M. Romero
Debora Romero

.....

06-569-A

act. Tim Kotioco

I would like this variance (06569A) to be put on hold until the out come of the water problems in the area are resolved. I live at 350 Poplar Rd. and since this house (346 Poplar Rd.) was built and the builder raised the property at 348 Poplar Rd., I get up to eight inches of water in my back yard during heavy rains. My neighbor (352 Poplar Rd.) and houses on Towson are having water problems also. I have been in contact with Jim, Glen Berry, (410-887-3953), Kevin (410-887-3226), and John Oldzewski, Councilman 7th district (410-887-7174).

Any questions please call Barb or Roy Smith 410-391-4476.
350 Poplar Rd.

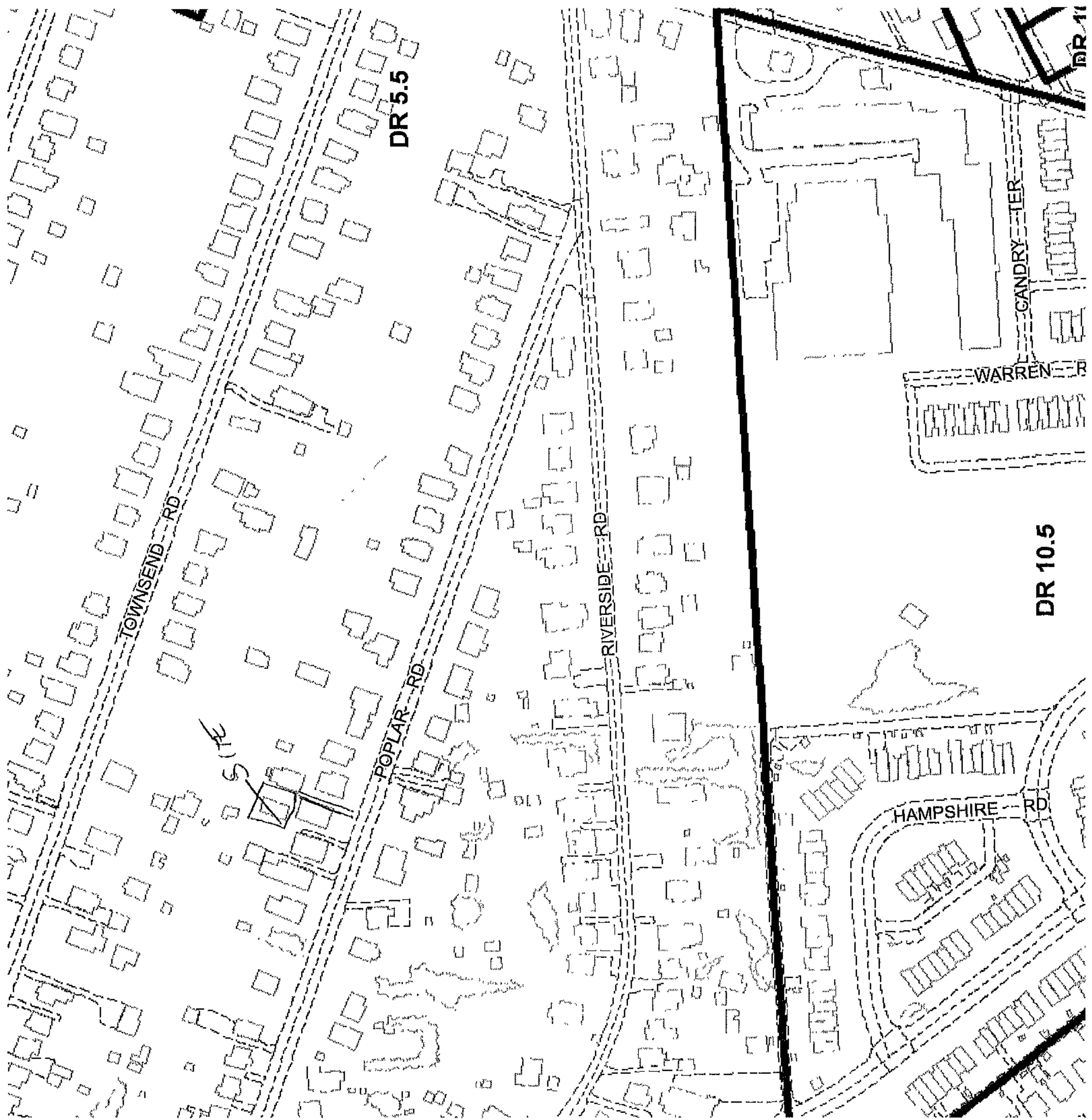
Barb Smith
6-5-06

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

E-MAIL

Stacey Shinsky (Net #)	340 Poplar Road	Essex MD 21221	Stacey Shinsky • comes
Richard Shinsky	340 Poplar Road	Essex MD 21221	net



097A1

1" = 200'



Copyright © 2005 by Howard County, Maryland

097A1
06-569-A

Case No.:

06-569-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Photo's 344 Poplar Rd.
No. 2	BUDG Permit - B 604164	Photo's of Water Back UP - Roy & Barb Smith 350 Poplar Rd.
No. 3	PHOTOgraphs	
No. 4	DEED	
No. 5	Photo's Collectively	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

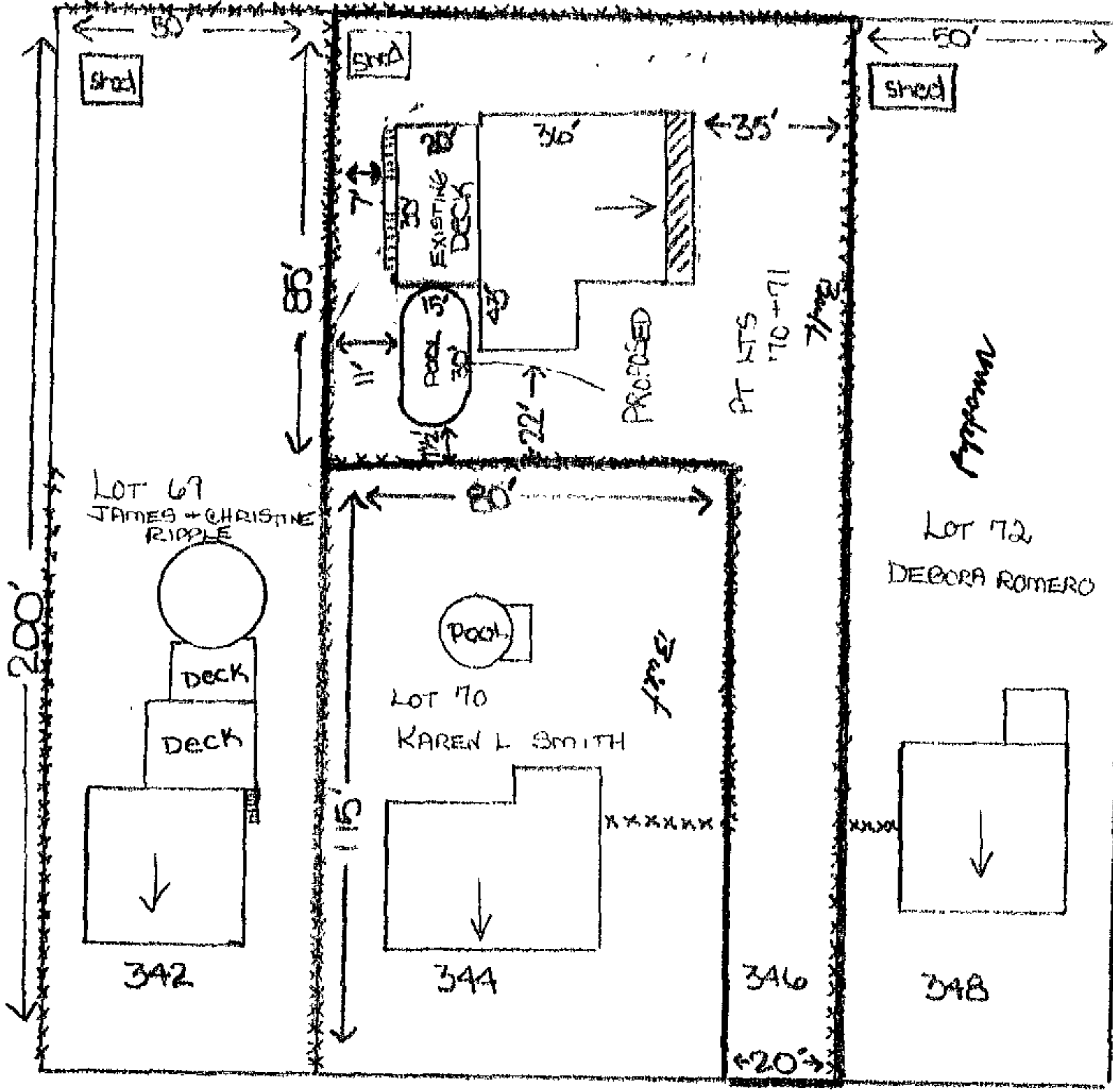
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 340 Poplar Rd

SUBDIVISION NAME Back River Highlands

PLAT BOOK # 4 FOLIO # 104 LOT # 70 SECTION # F

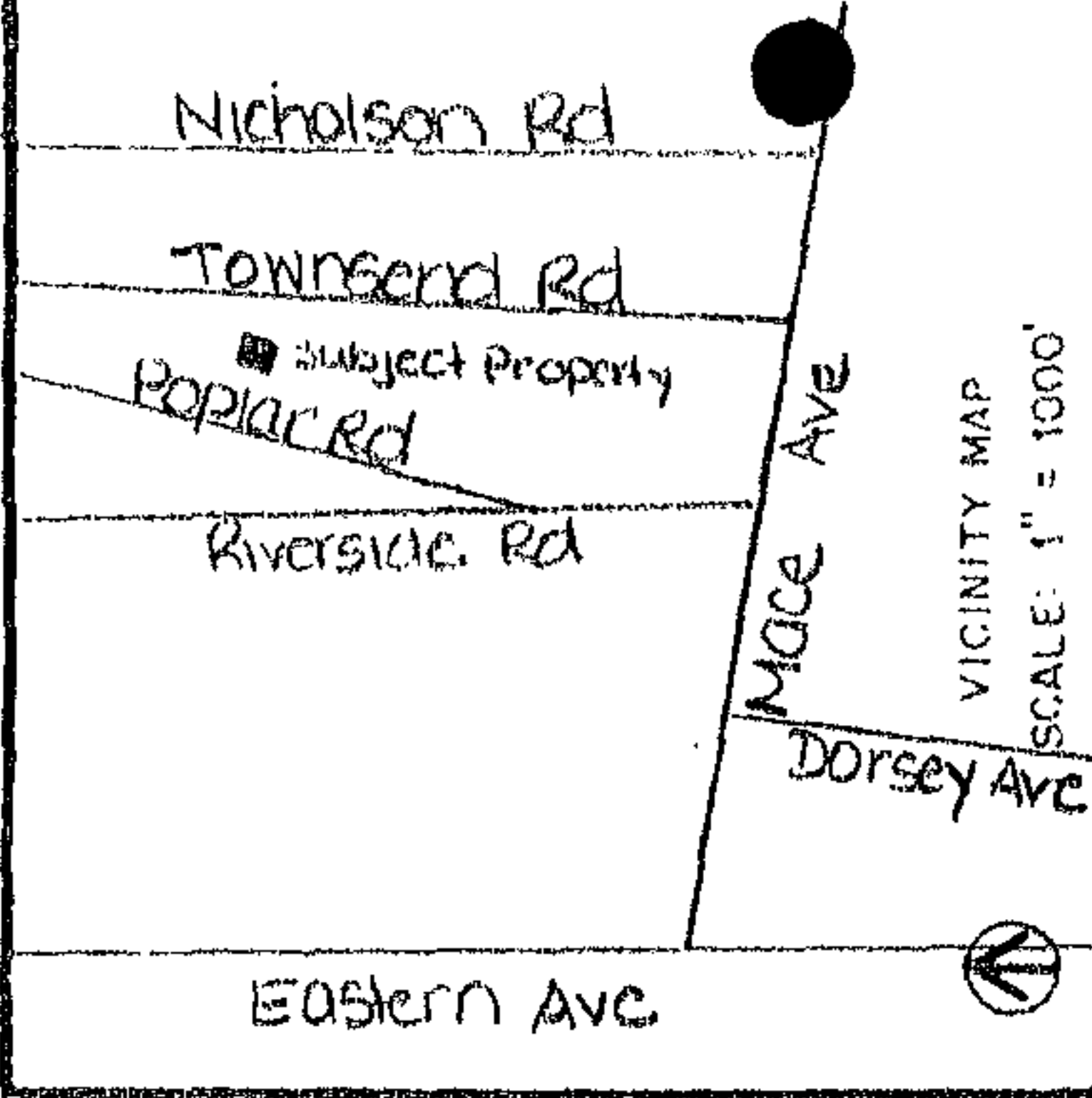
OWNER Stacey North & Richard Shinsky



Poplar Road 50'



PREPARED BY S.N. SCALE OF DRAWING: 1" = 40'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A1

ZONING D.R.-5.5

LOT SIZE 11,300 ACRES

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 NONE

ZONING OFFICE USE ONLY
REVIEWED BY DT. ITEM # 569 CASE # 06-569-A



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DIRECTOR

BUILDING PERMIT

John R. Reisinger
JOHN R. REISINGER
BUILDINGS ENGINEER

PERMIT #: B404164 CONTROL #: NF DIST: 15 PREC: 01
DATE ISSUED: 08/31/2005 TAX ACCOUNT #: 2000005257 CLASS: 04

PLANS: CONST PLOT 2 R PLAT DATA ELEC NO PLUM NO
LOCATION: 346 POPLAR RD
SUBDIVISION: BACK RIVER HIGHLANDS

OWNER INFORMATION
NAME: SHINSKI, RICHARD NORTH, STACEY
ADDR: 346 POPLAR RD, ESSEX, MD 21221

THIS PERMIT EXPIRES
ON 08/31/2006
DATE OF ISSUE

REMARKS:
CONTR: OWNER
EIGNP:
SELLER:

WORK: CONSTRUCT A 20'X16' 480SF OPEN WOOD DECK ON
REAR OF EX. SFD, CBCA

BIDD. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & ADDITION
EXISTING USE: SFD

TYPE OF IMPROV: ADDITION
USE:

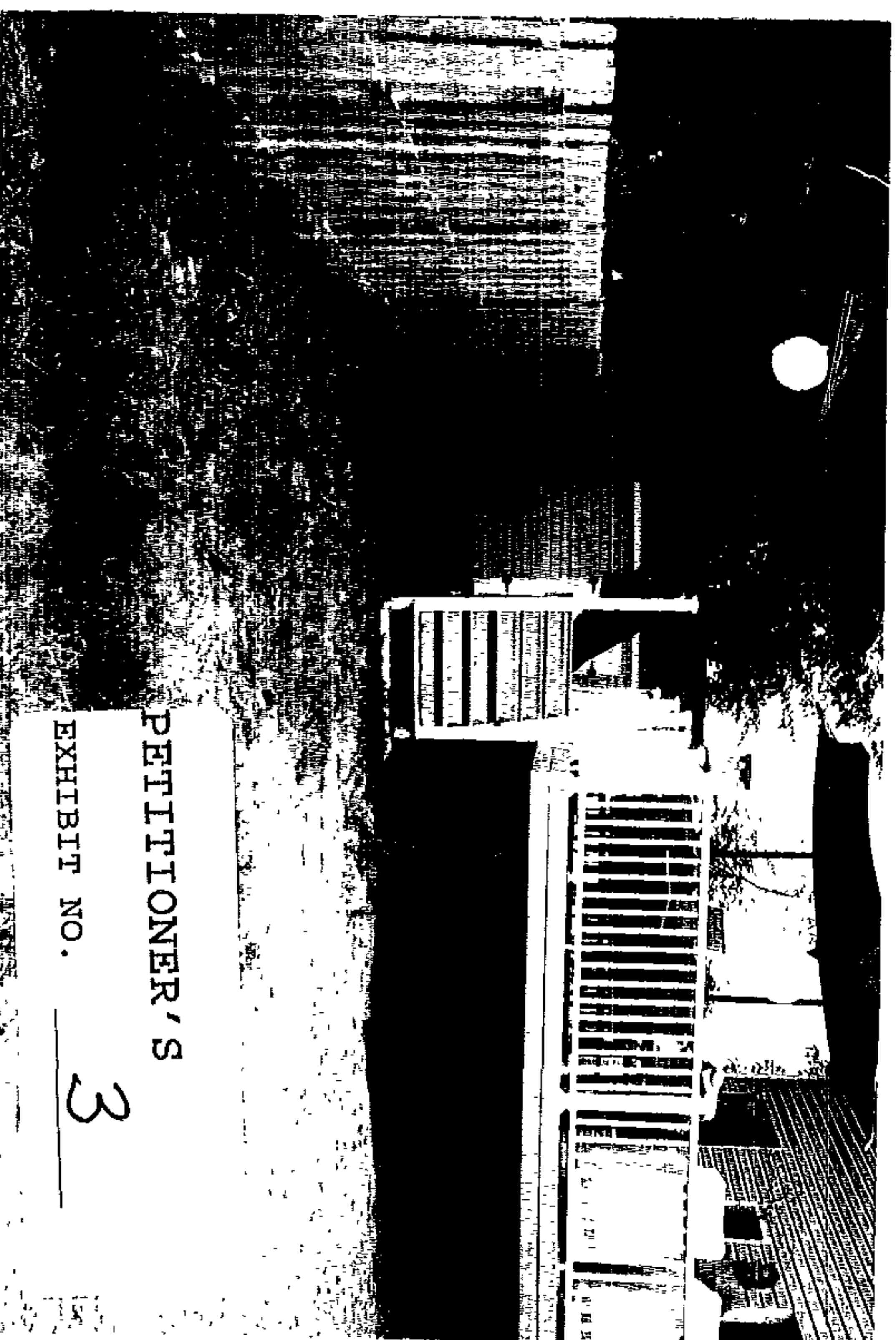
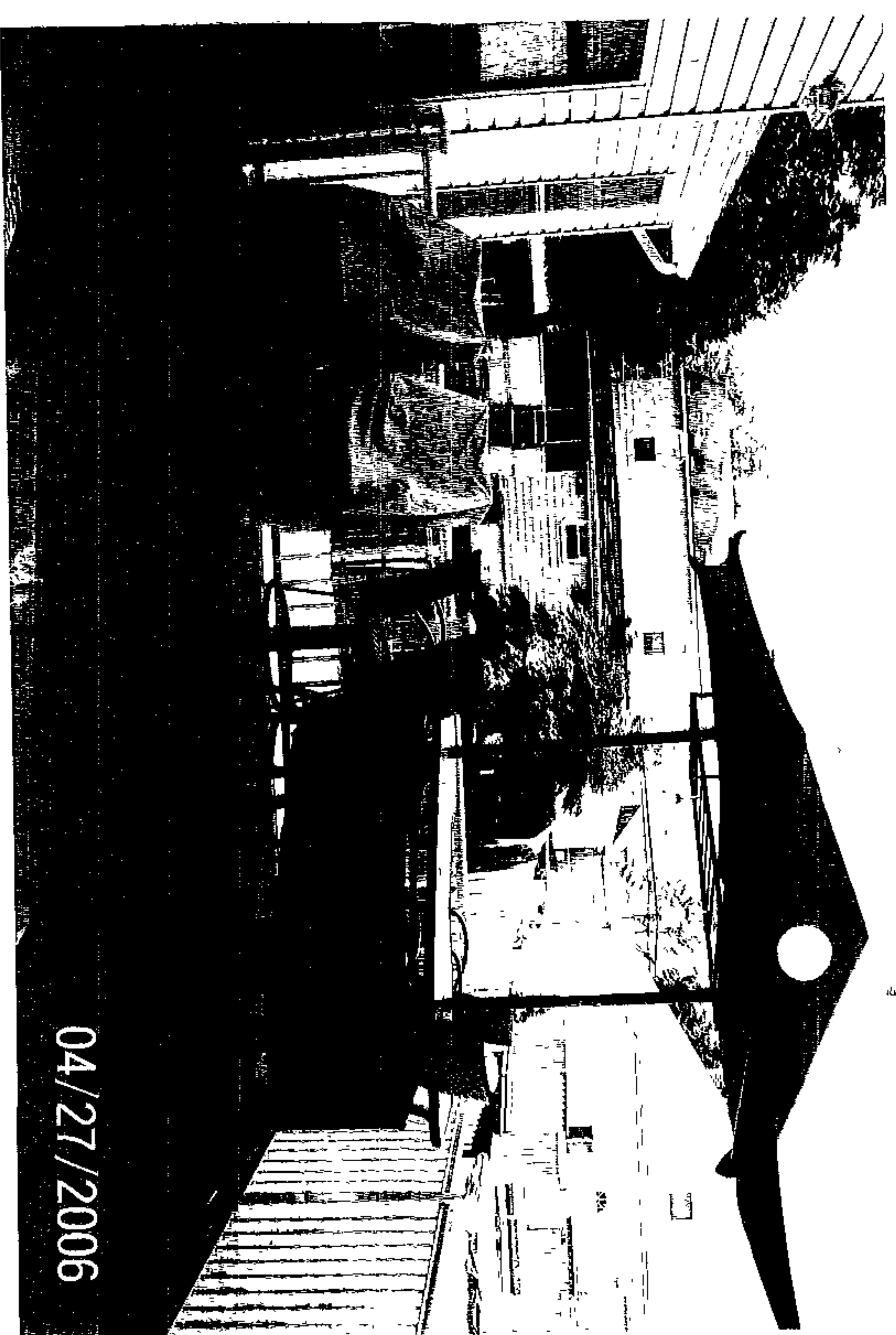
FOUNDATION: BASEMENT:
SEWER: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 11300SF
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: 29

PETITIONER'S

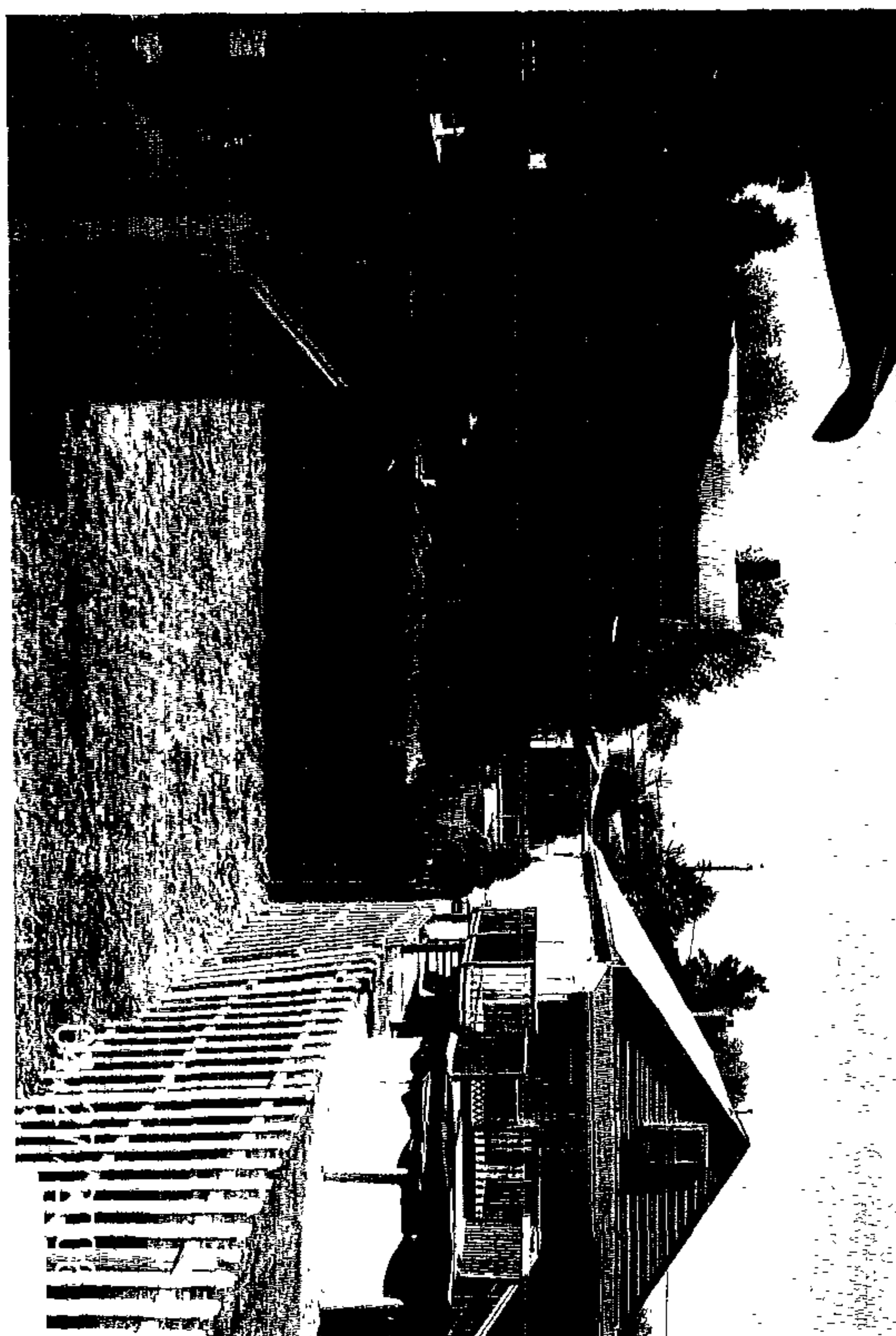
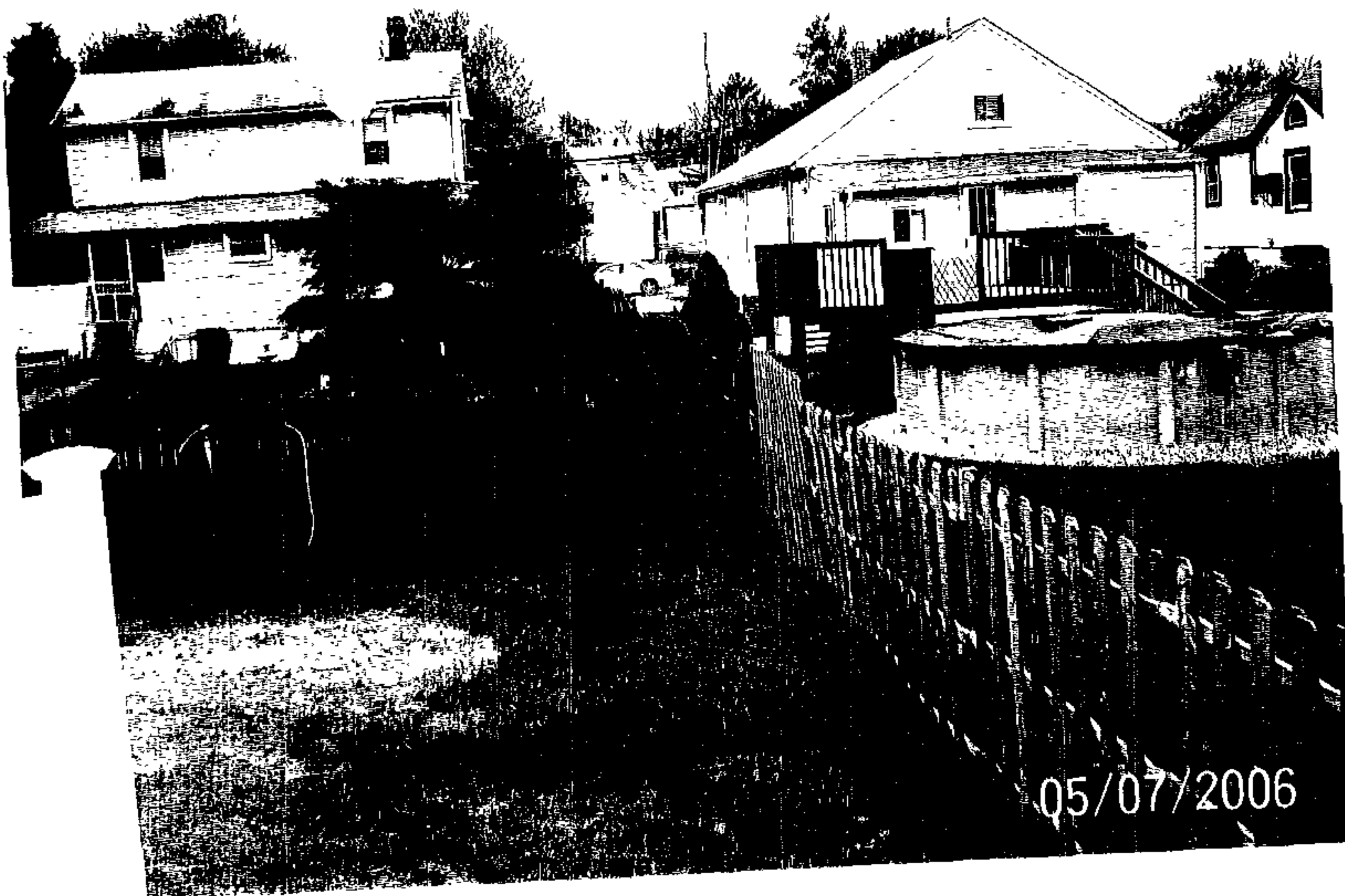
EXHIBIT NO. 2

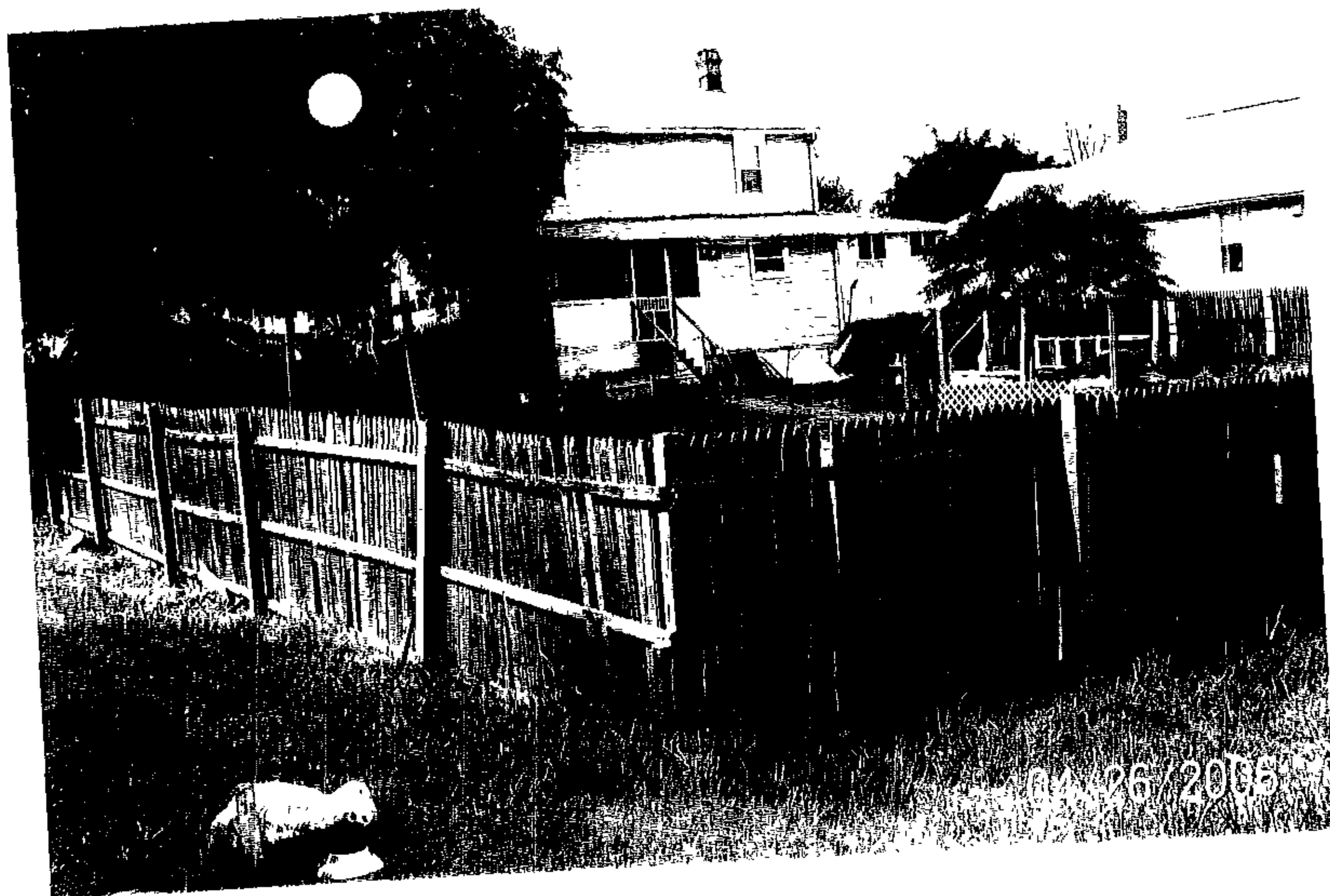


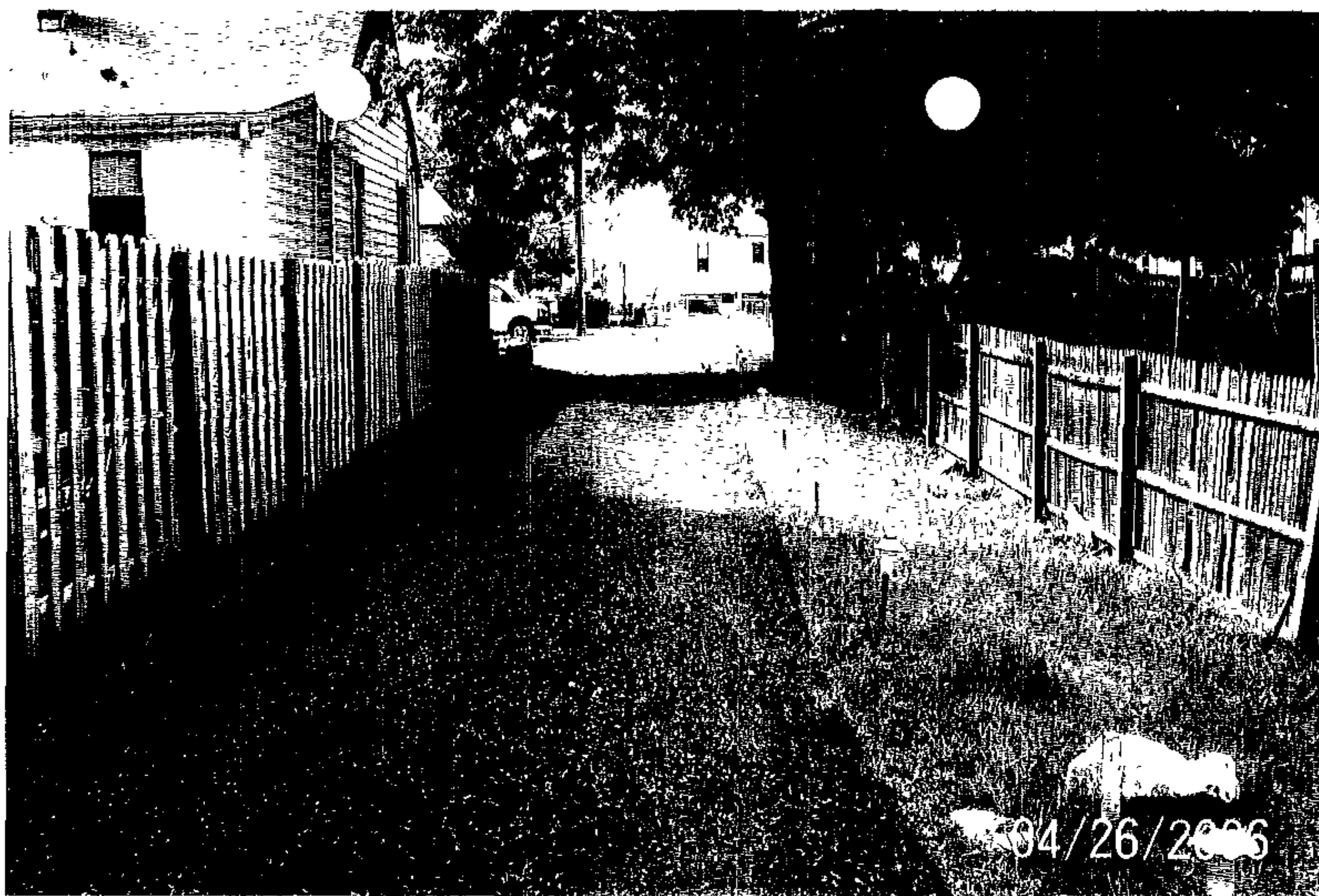
PETITIONER'S

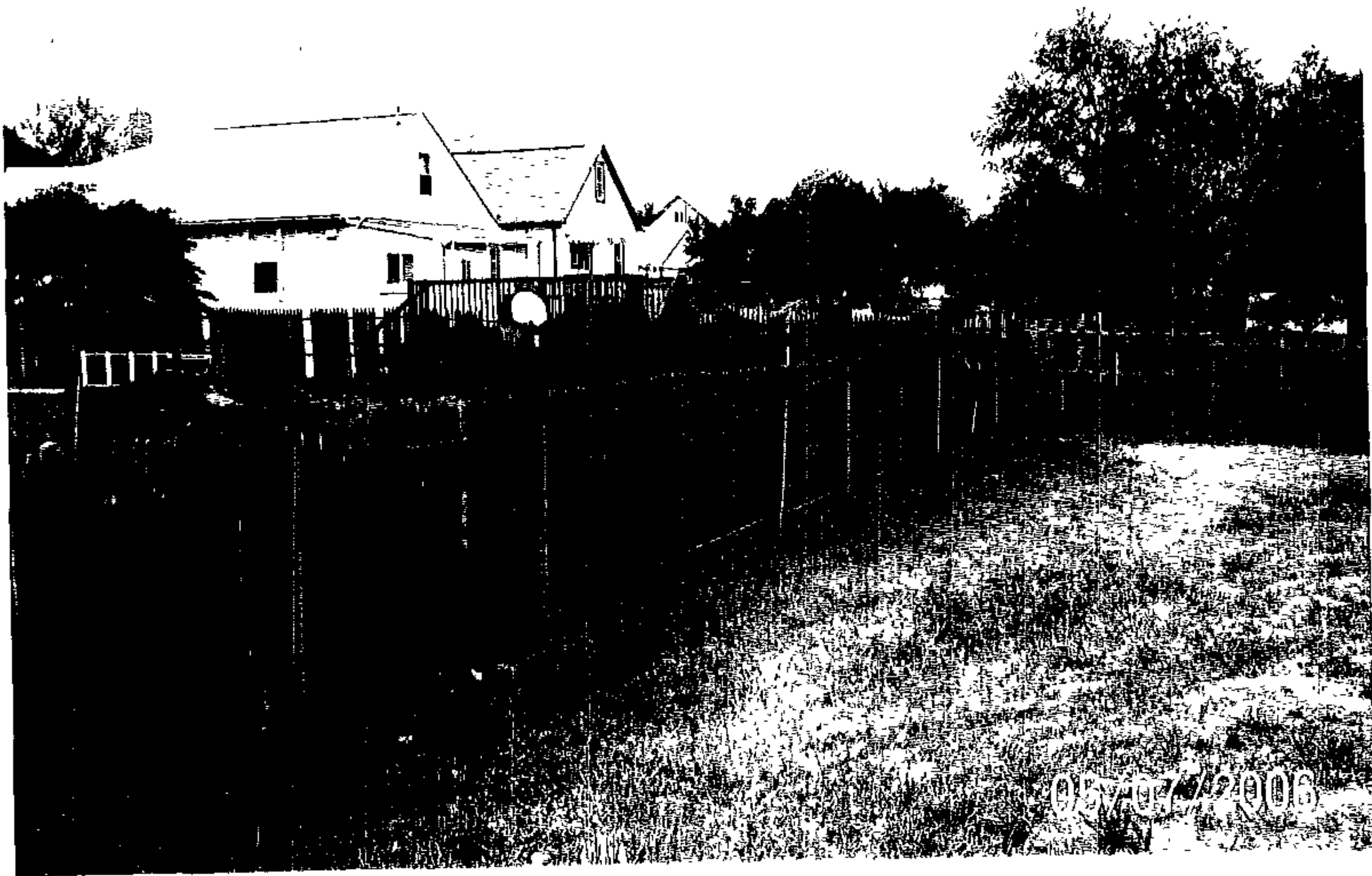
EXHIBIT NO.

3













①

This Deed, MADE THIS 28th day of February in the year Two Thousand Five by and between Gregory B. Girard, Jr, party of the first part, and Susan Schneider , party of the second part.

Witnesseth, That in consideration of the sum of Fifty Five Thousand Dollars and NO Cents (\$55,000.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, in fee simple, that parcel of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME on the centerline of Poplar Road (50 feet wide) at a point distant north 64 (heretofore erroneously referred to as 26) west 366.14 feet from the intersection of said centerline of said road with the centerline of Riverside Road (50 feet wide) said point also being the beginning point of that lot of ground which by deed recorded among the Land Records of Baltimore County in Liber E.H.K. Jr No. 5851 folio 943 etc, was conveyed to Ronald E. and Judith A. Krause, thence with said centerline and a part of the first line of said deed north 64 (erroneously referred to as 26) west 20.00 feet, thence leaving said centerline and said first line and running for new lines of division the two following courses and distances; north 26 east 140.00 feet and north 64 west 80.00 feet to intersect the second line of said deed, thence with a part of said second line north 26 east 85.00 feet to the end thereof thence with the third and fourth lines of said deed the tow following courses and distances; south 64 east 100.00 feet and south 26 west 225.00 feet to the place of beginning. As designated Lot B on a plat which accompanies a deed dated June 24, 1985 and recorded among the Land Records of Baltimore County in Liber 6940 folio 481.

Tax ID# 15-20-00-005257

BEING the same parcel of ground which by deed dated August 23, 2004 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 20794, folio 436 was granted and conveyed by Albert C. Jones, Personal Representative of the Estate of Gregory B. Girard unto Gregory B. Girard, Jr, the Grantor herein.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.


Edward J. Brush, Esquire

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part as sole owner, his/hers personal representatives, heirs and assigns, in fee simple.

BUYERS INITIAL HERE 

And the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

PETITIONER'S

EXHIBIT NO. 4

WITNESS the hands and seals of said Grantor(s) and Grantee(s).

Test:



 Gregory B. Girard, Jr

(SEAL)



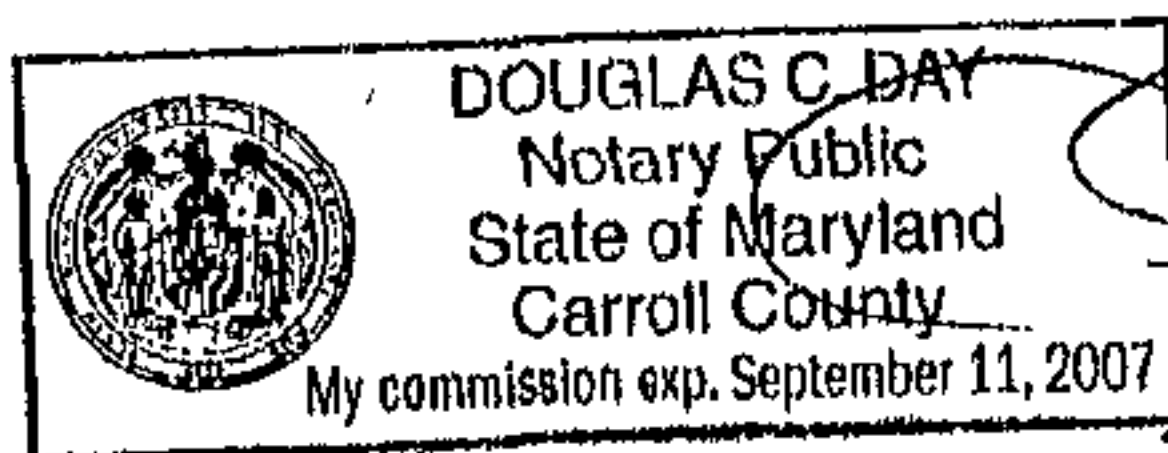
 Susan Schneider

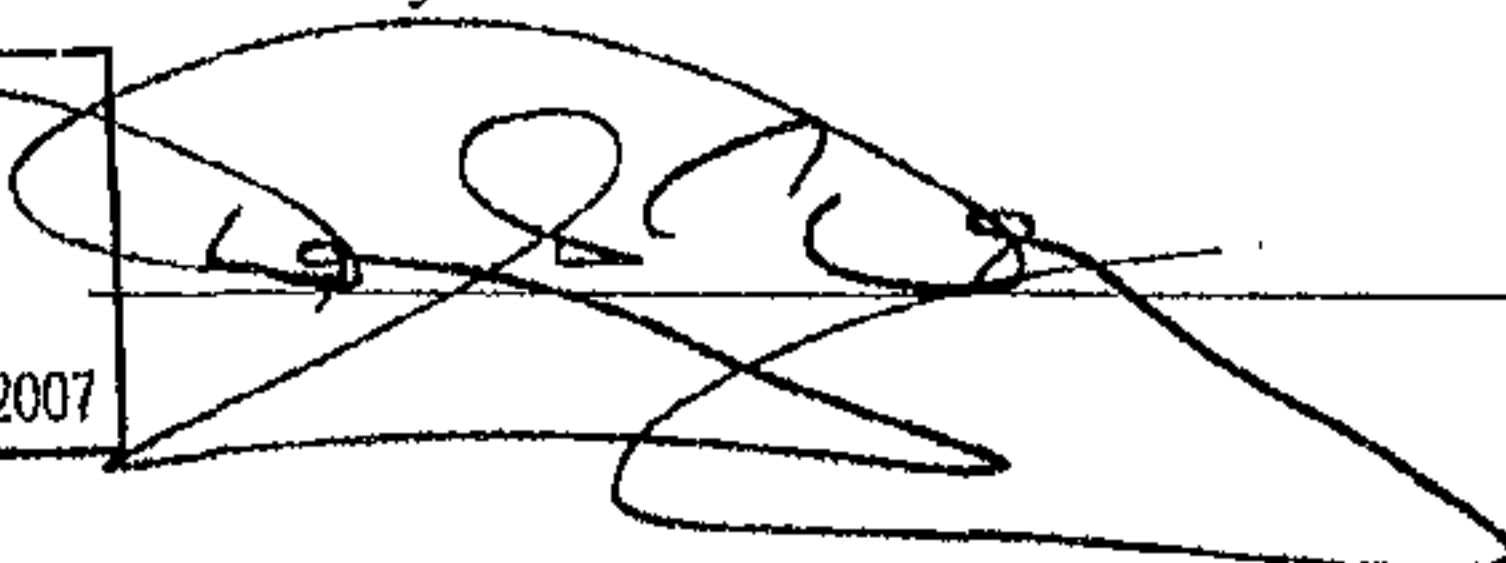
(SEAL)

State of Maryland, County of Baltimore County, to wit:

I Hereby Certify, That on this 25th day of February in the year Two Thousand Five, before me, the subscriber, a Notary Public of the State of MD, County of Carroll personally appeared Gregory B. Girard, Jr known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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



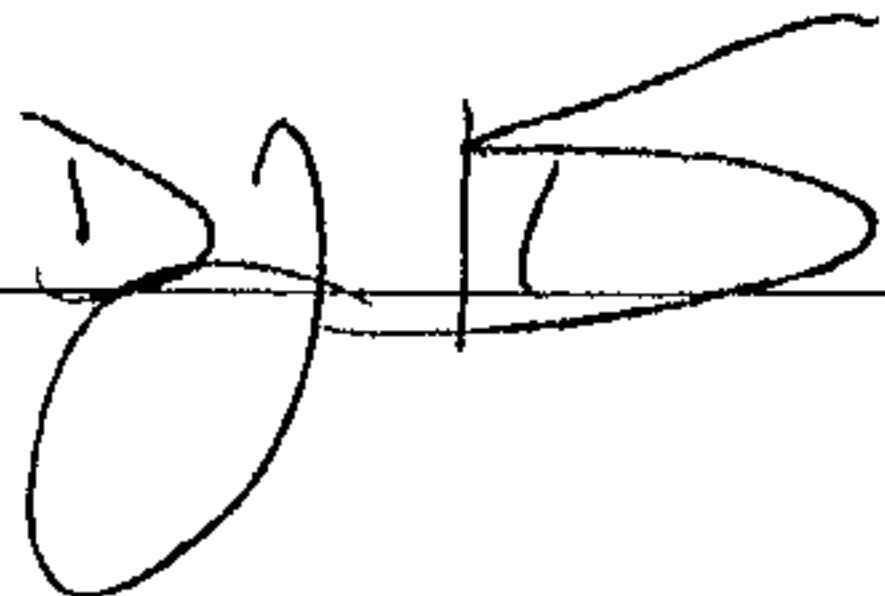


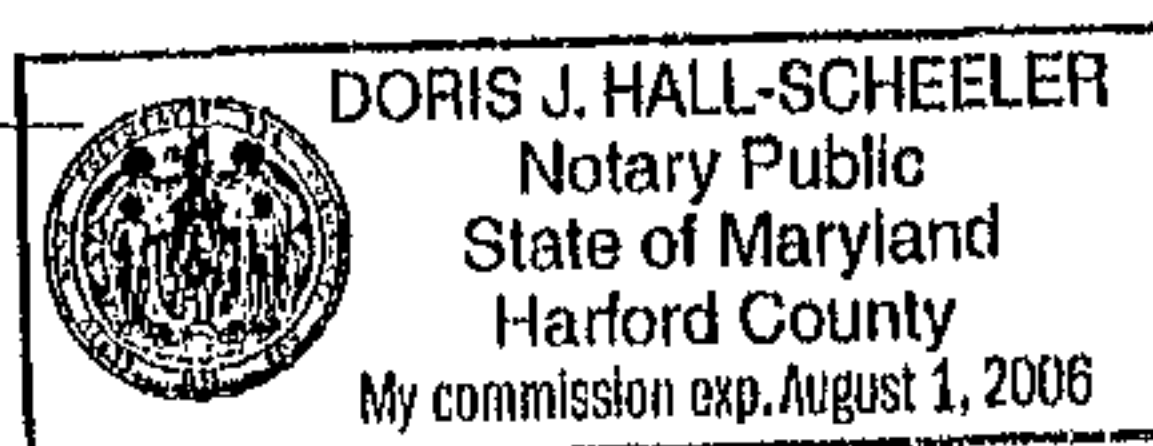
My Commission Expires: _____

State Of Maryland, County Of Baltimore County, to wit:

I Hereby Certify, That on this 25th day of February in the year Two Thousand Five, before me, the subscriber, a Notary Public of the State of MD, County of Harford personally appeared Susan Schneider known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

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





My Commission Expires: _____

AFTER RECORDING, RETURN TO:

SUE SCHNEIDER
 304 Patuxent Avenue
 Baltimore, md 21237

File Number: 13541WM

Case No.:

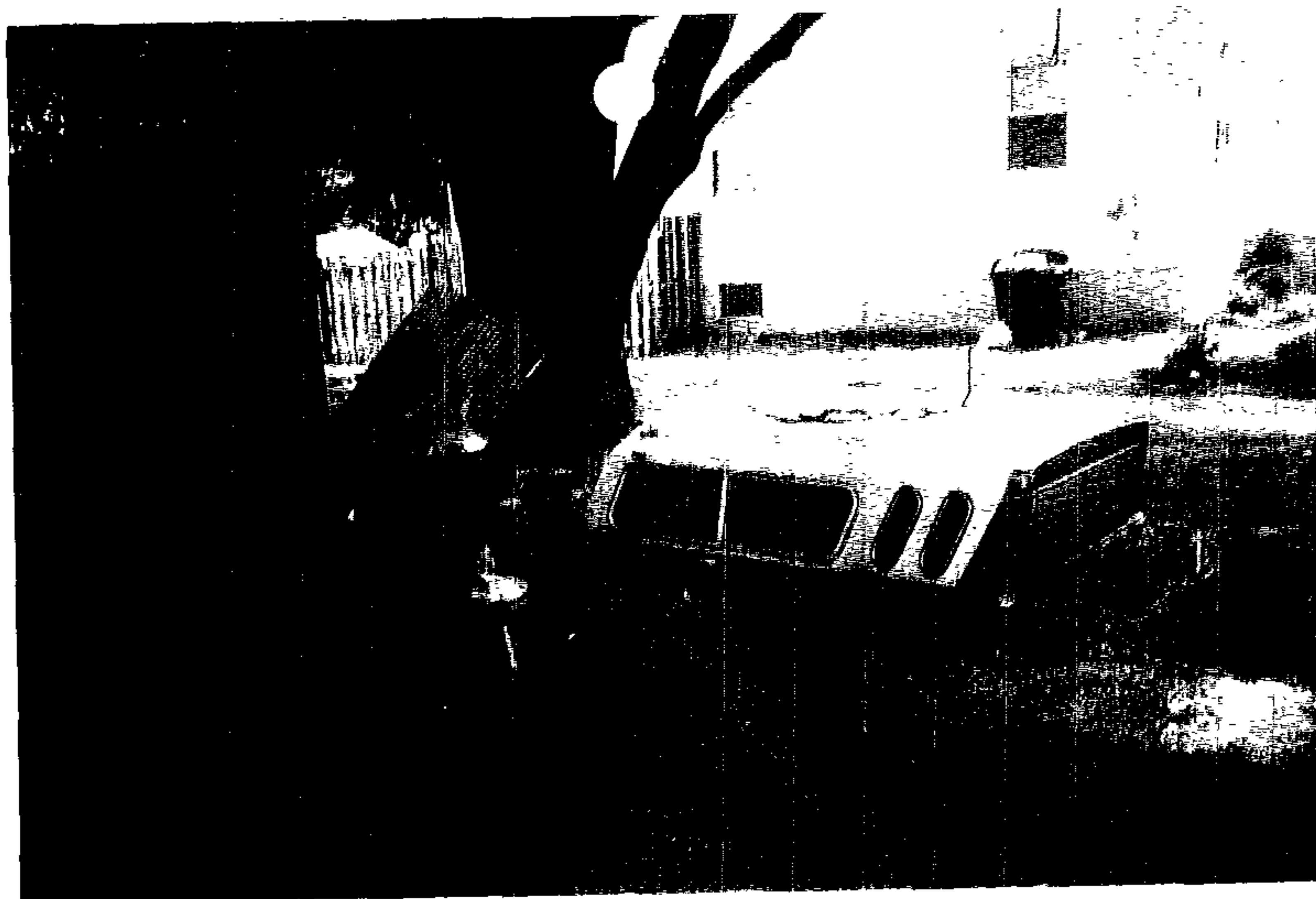
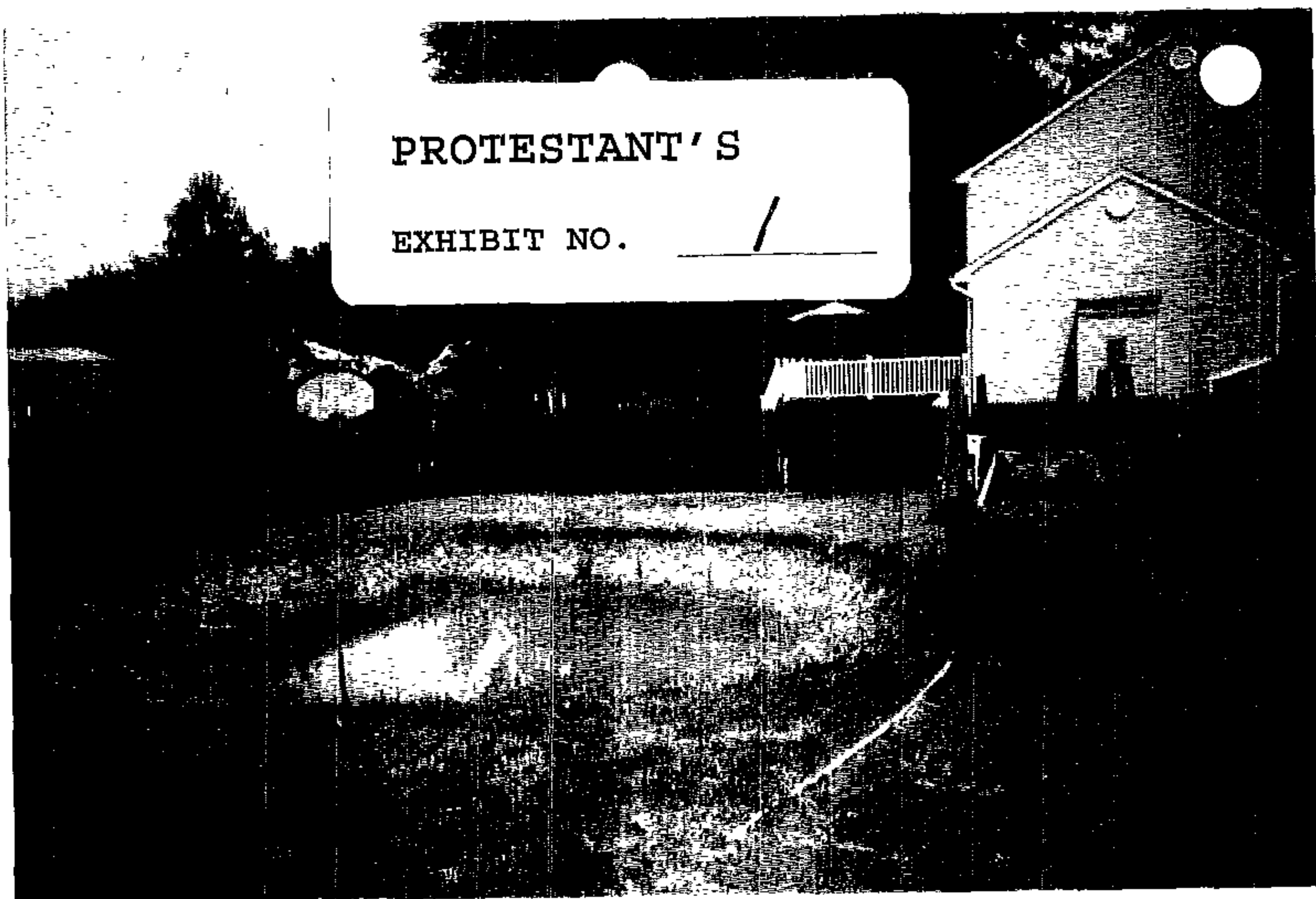
06-569-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Photo's 344 Poplar Rd.
No. 2	BLDG Permit - B 604164	Photo's of water Back UP - Roy & Barb Smith 350 Poplar Rd.
No. 3	PHOTOGRAPHS	
No. 4	DEED	
No. 5	Photo's Collectively	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





Dear Townsend Neighbors,

Hello, our names are Roy and Barbara Smith and we live at 350 Poplar Rd. We are writing to you in reference to the water problem that has been occurring every time there is the slightest amount of rainfall, which causes our back yard to flood. The water used to flow from Mace Avenue through the backyards of those living between Townsend and Poplar until eventually reaching the river. This was not a major issue until recently a house was built at 346 Poplar Rd., and at 348 Poplar Rd. the property level was raised, so now the water becomes backed up in our backyard instead of continuing to flow until it reaches the river. After the other night's downpour we had about ten inches of water just standing in our backyard, which we have enclosed pictures of. Flooding like this has started to cause erosion in our backyard and water damage to our fences. We have been in contact with the state inspectors about this for almost a year now and nothing has been done yet. The only way that we could stop the water from flooding our yard, without the state's help, would be to raise our property level. Our son at 352 Poplar Rd. would also have to raise his property level along with us. Unfortunately, this would cause your yards to flood instead of ours and this is something that we do not want to have resort to doing. We would rather get the problem fixed the right way so that no one else has to go through what we have. Below we have included the names and numbers of those that we have been in contact with and we would like if you could take a few minutes of your time and call them about any concerns you might have so that we might be able to get this problem fixed.

Glen Berry (410) 887 3953

John Olszewski, Councilman 7th District (410) 887 7174

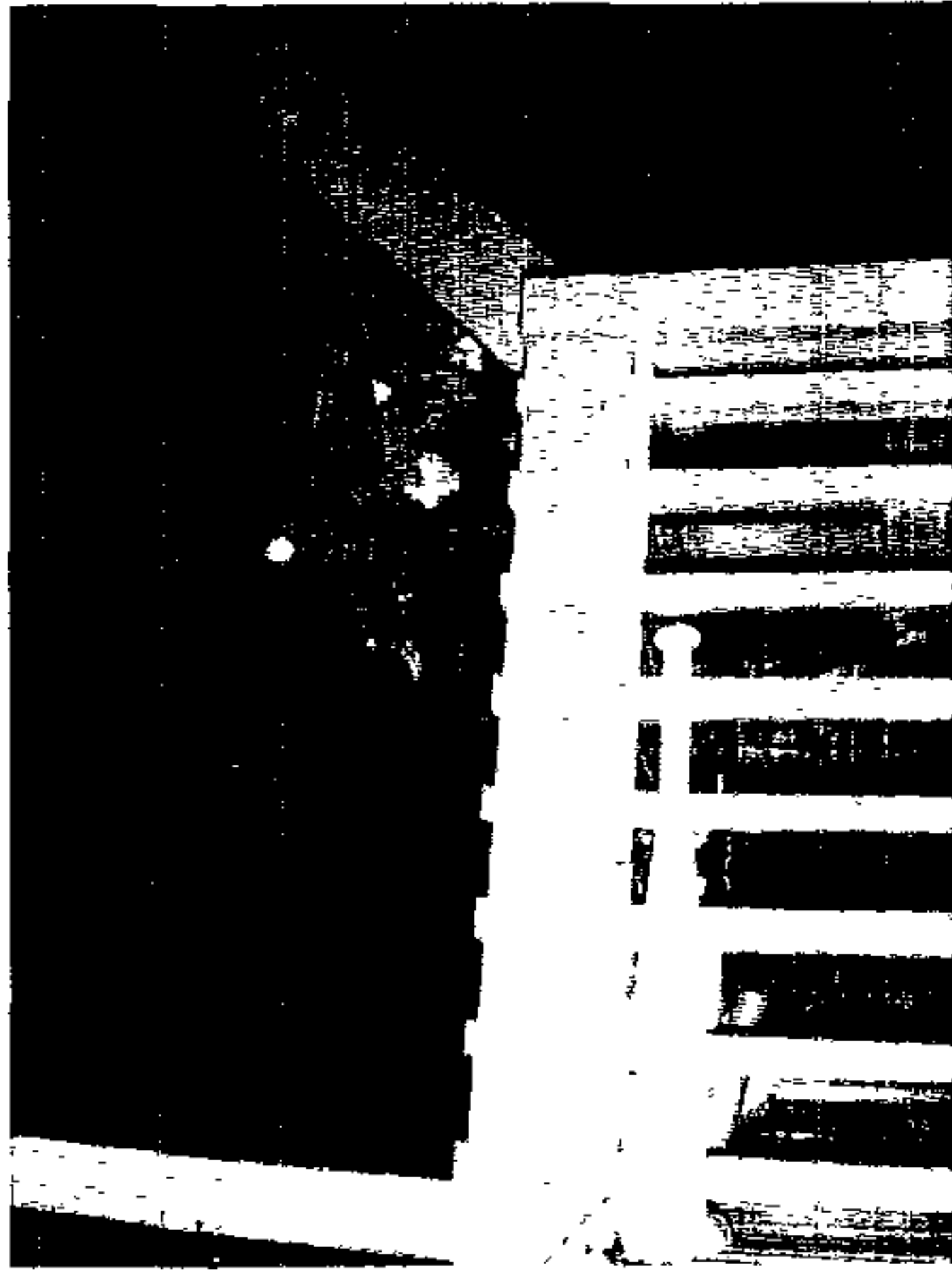
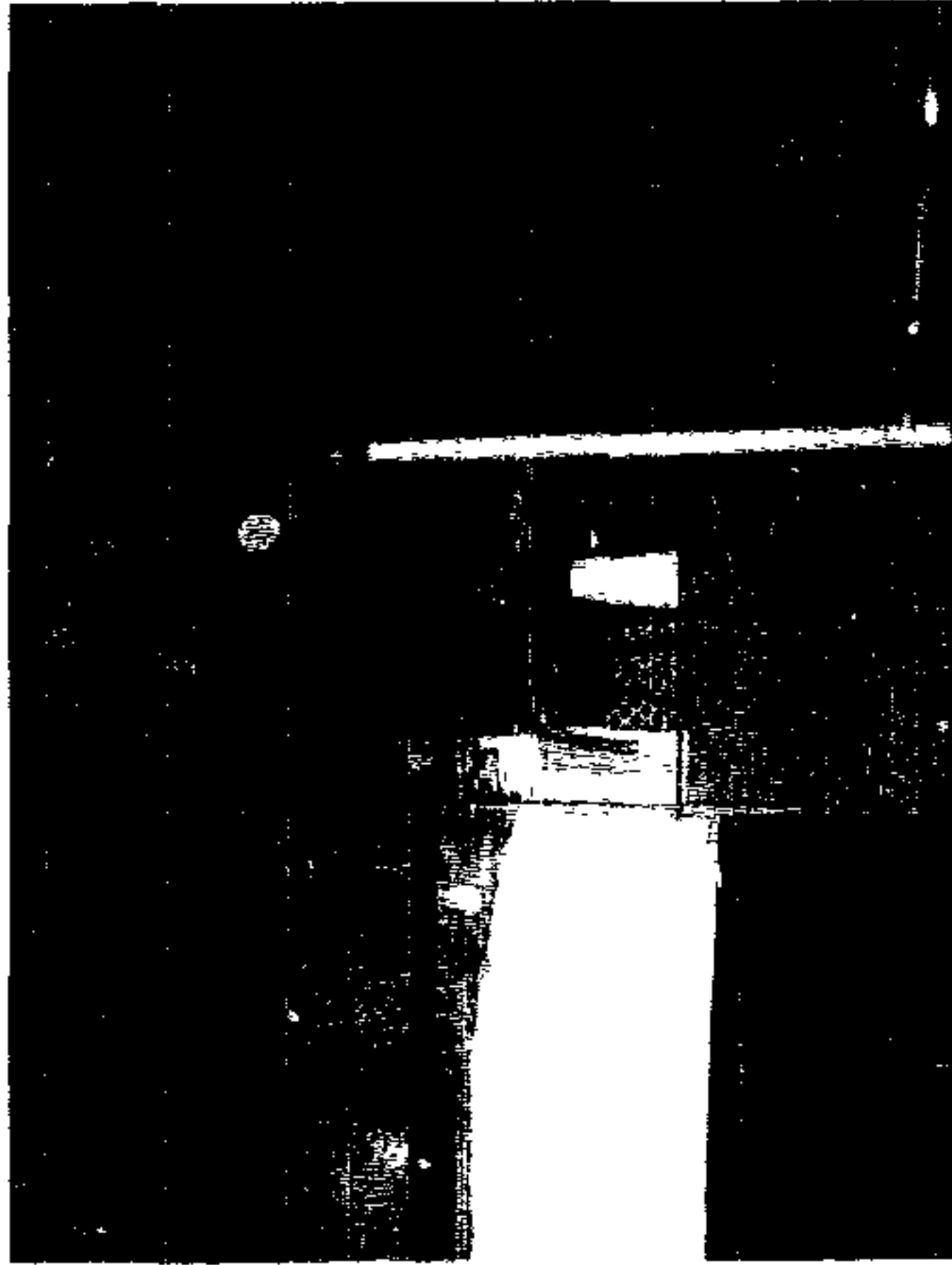
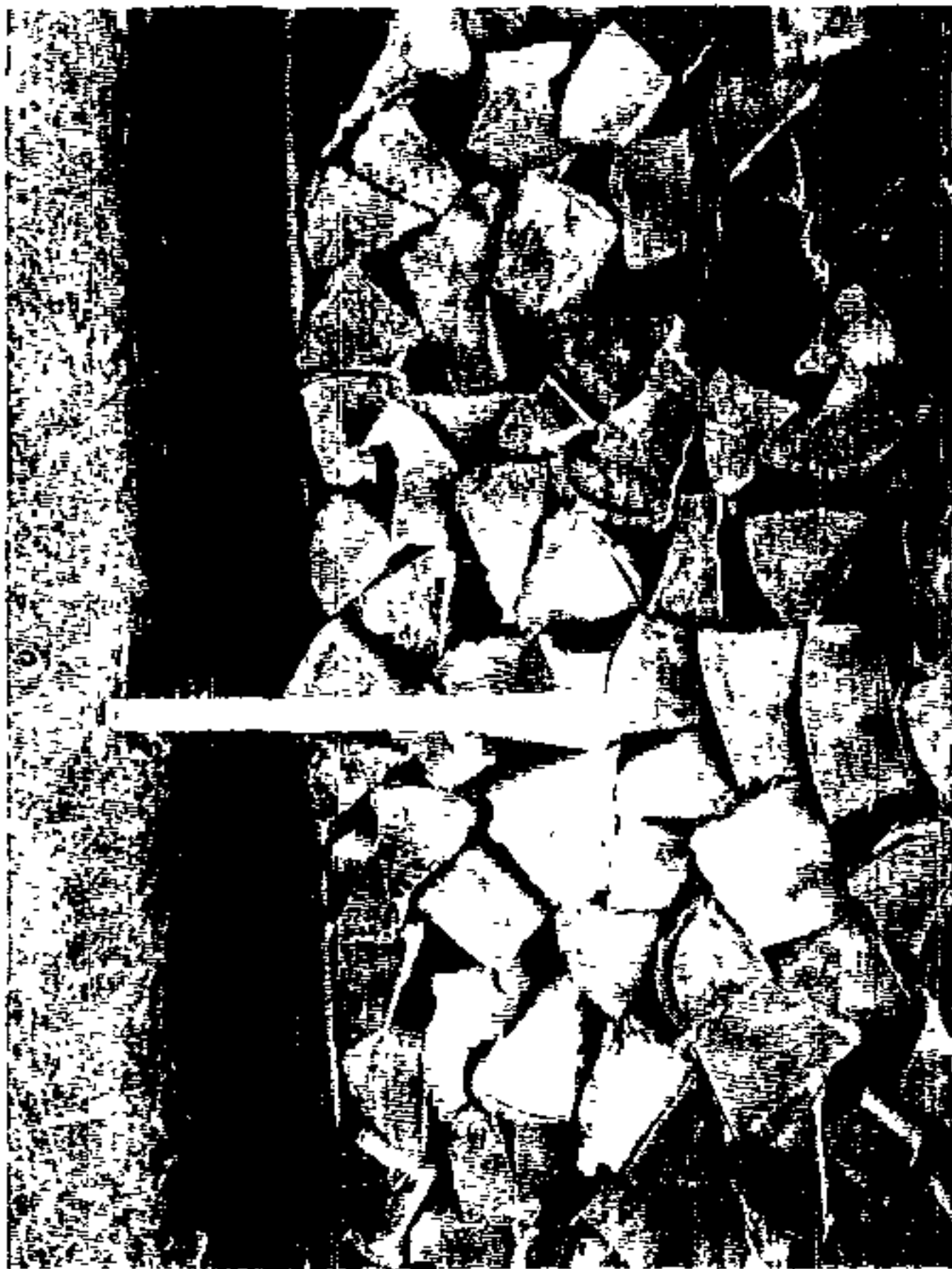
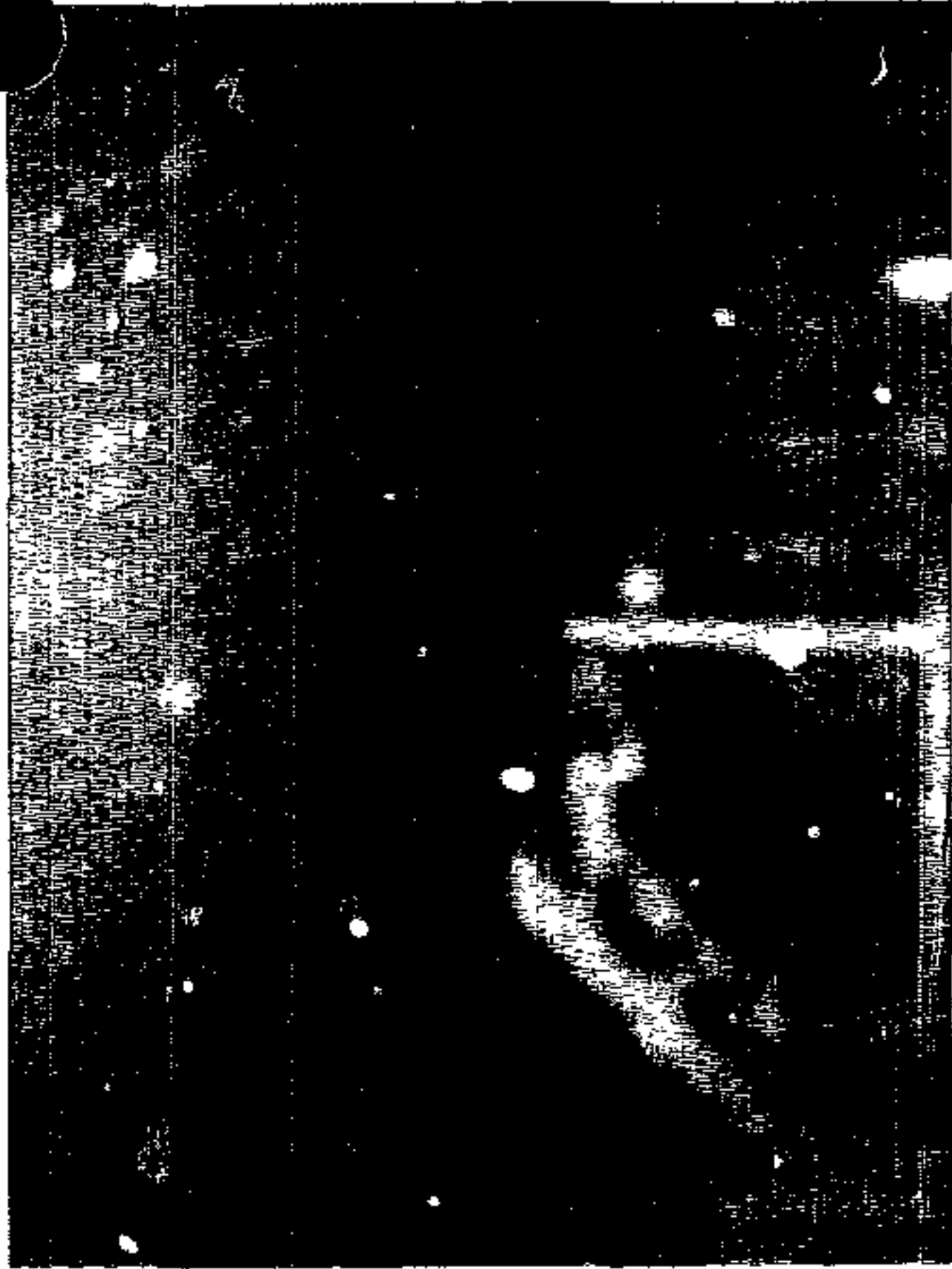
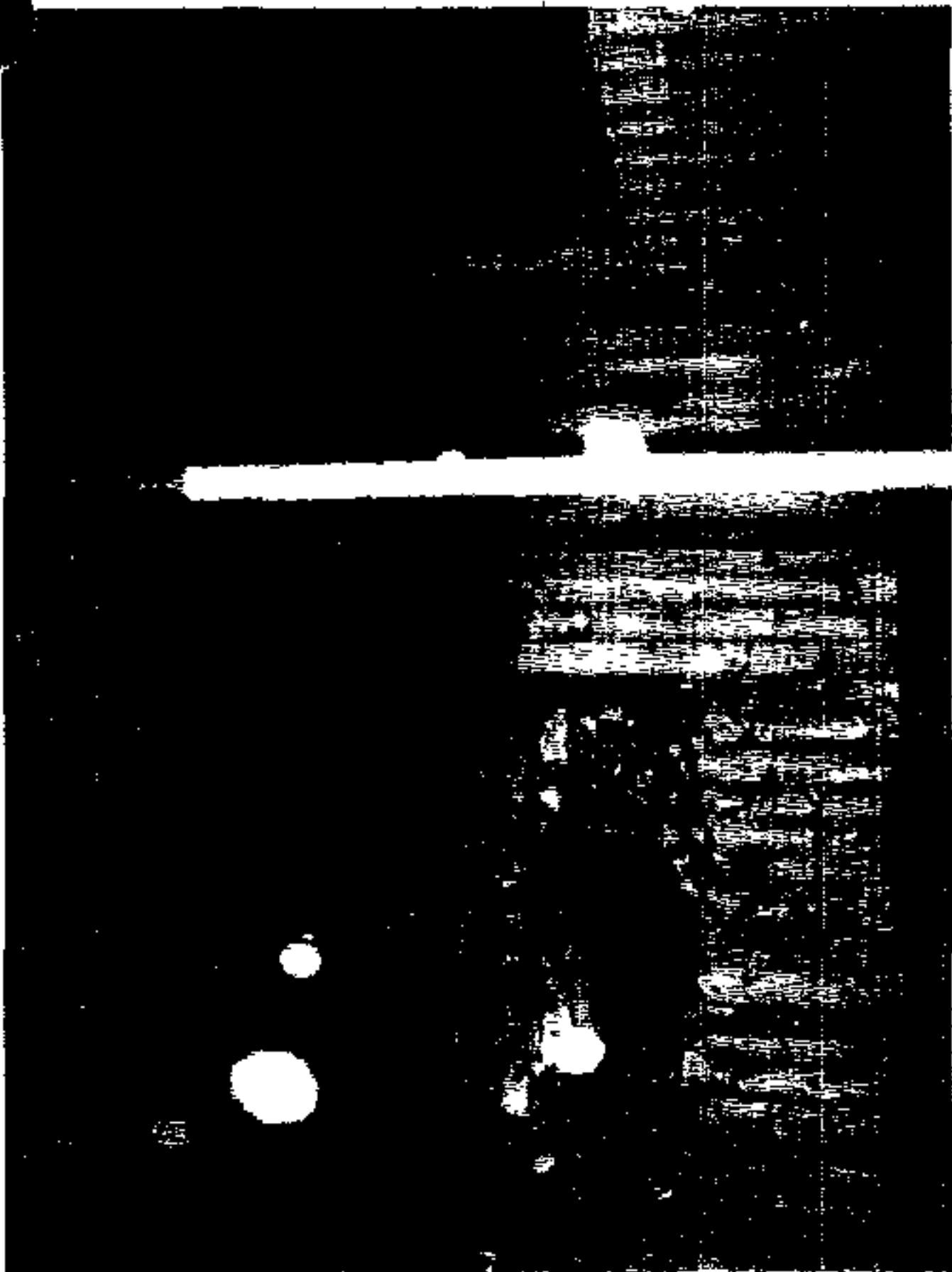
Kevin (410) 887 3226

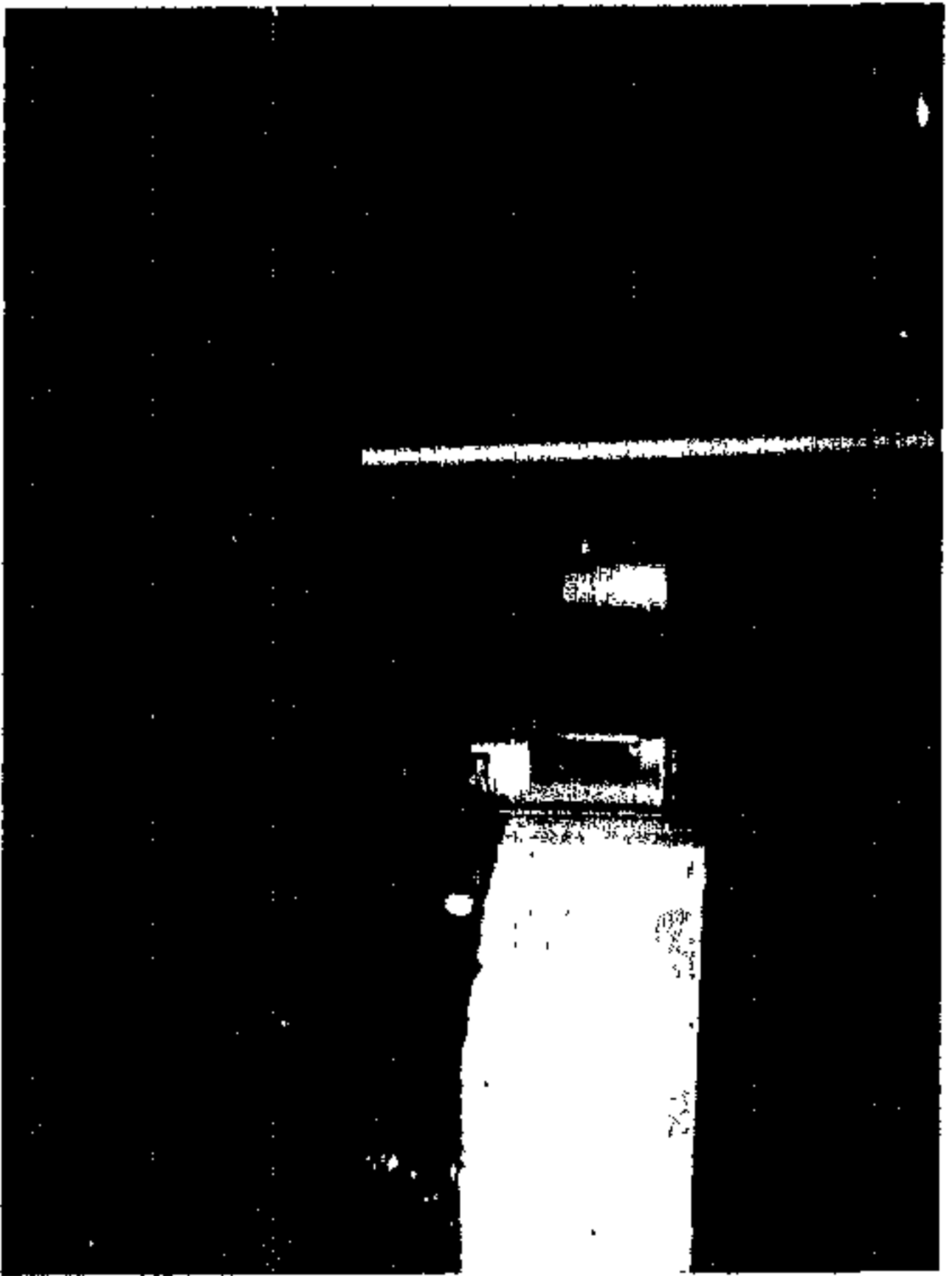
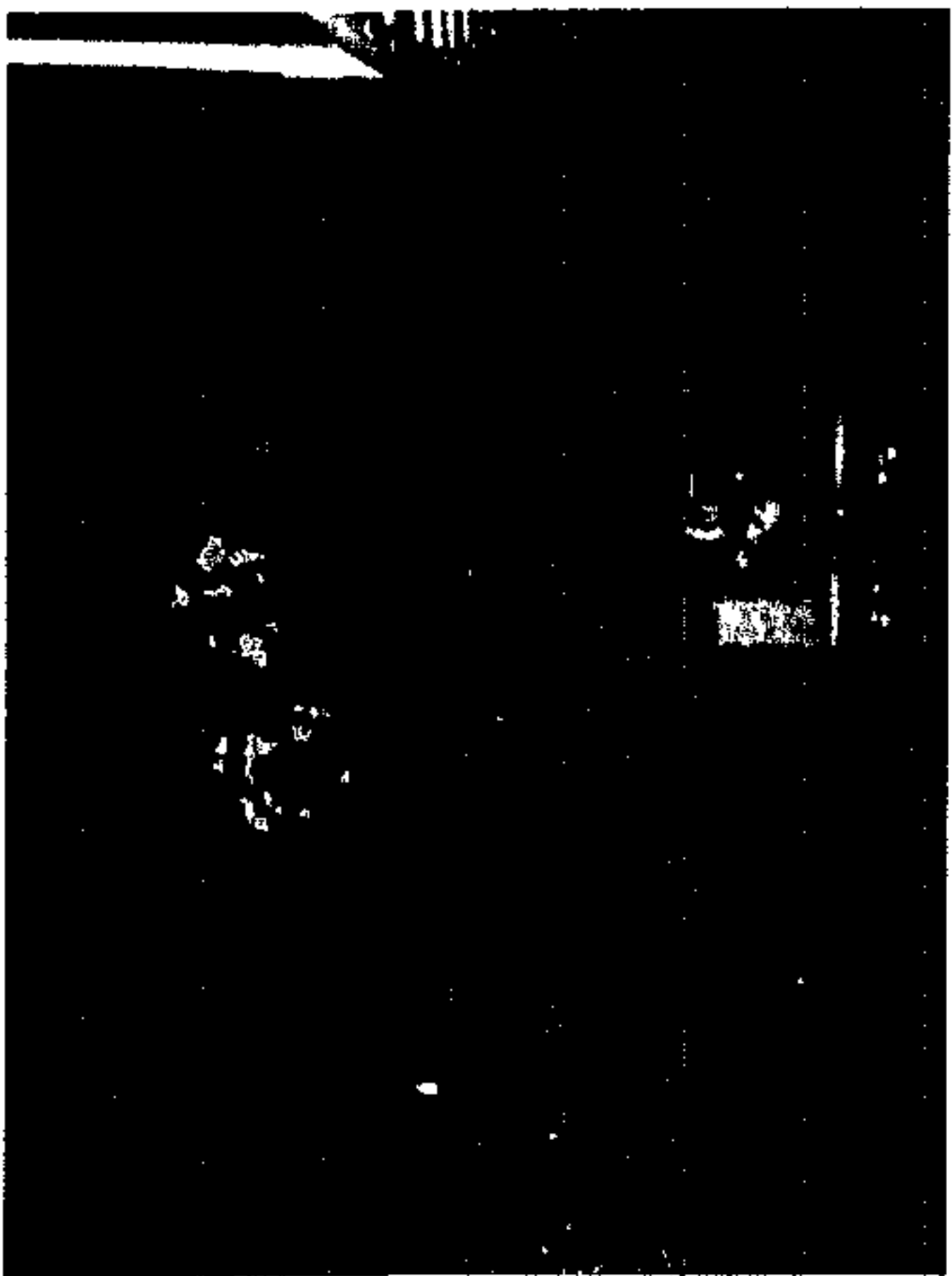
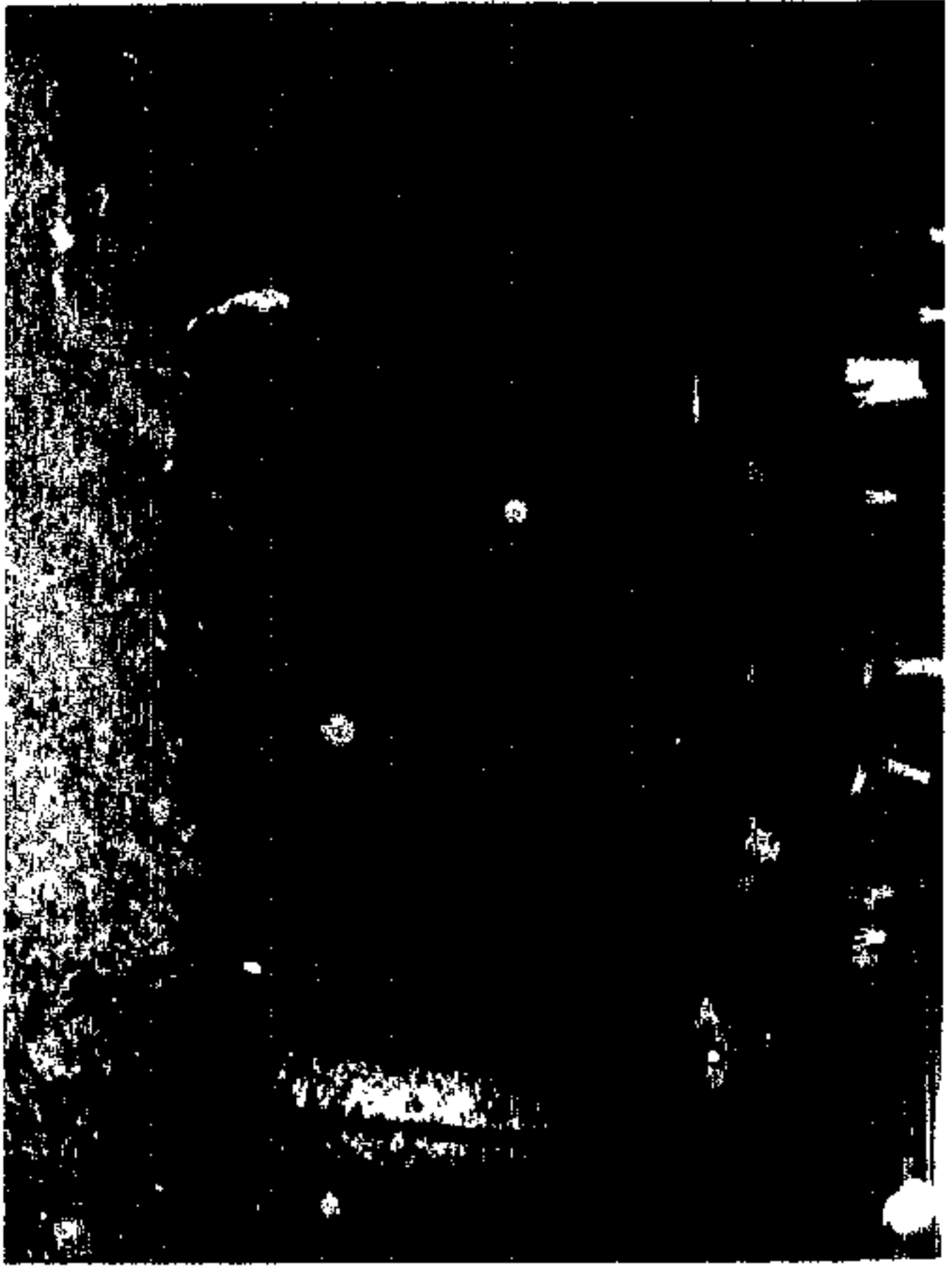
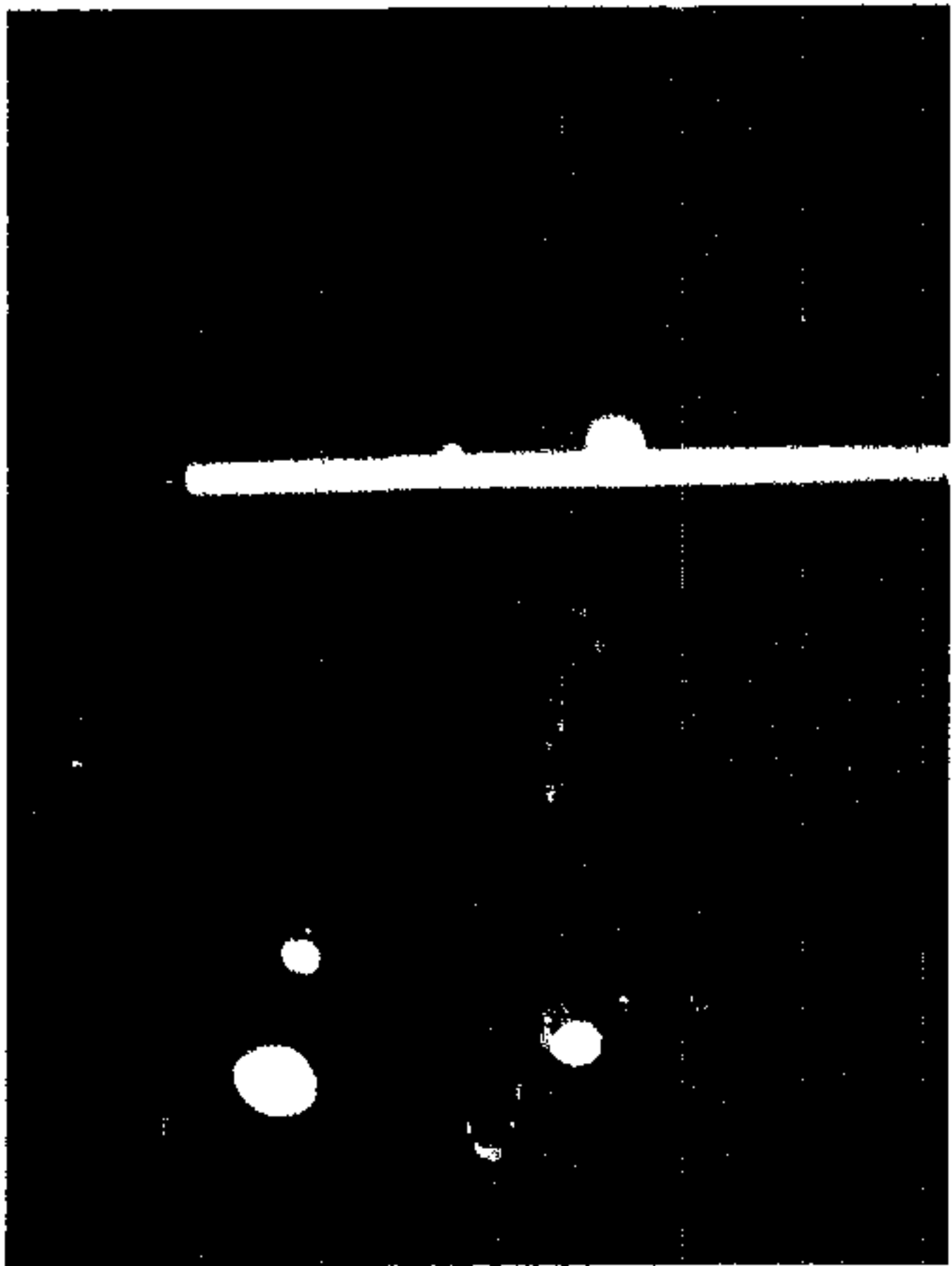
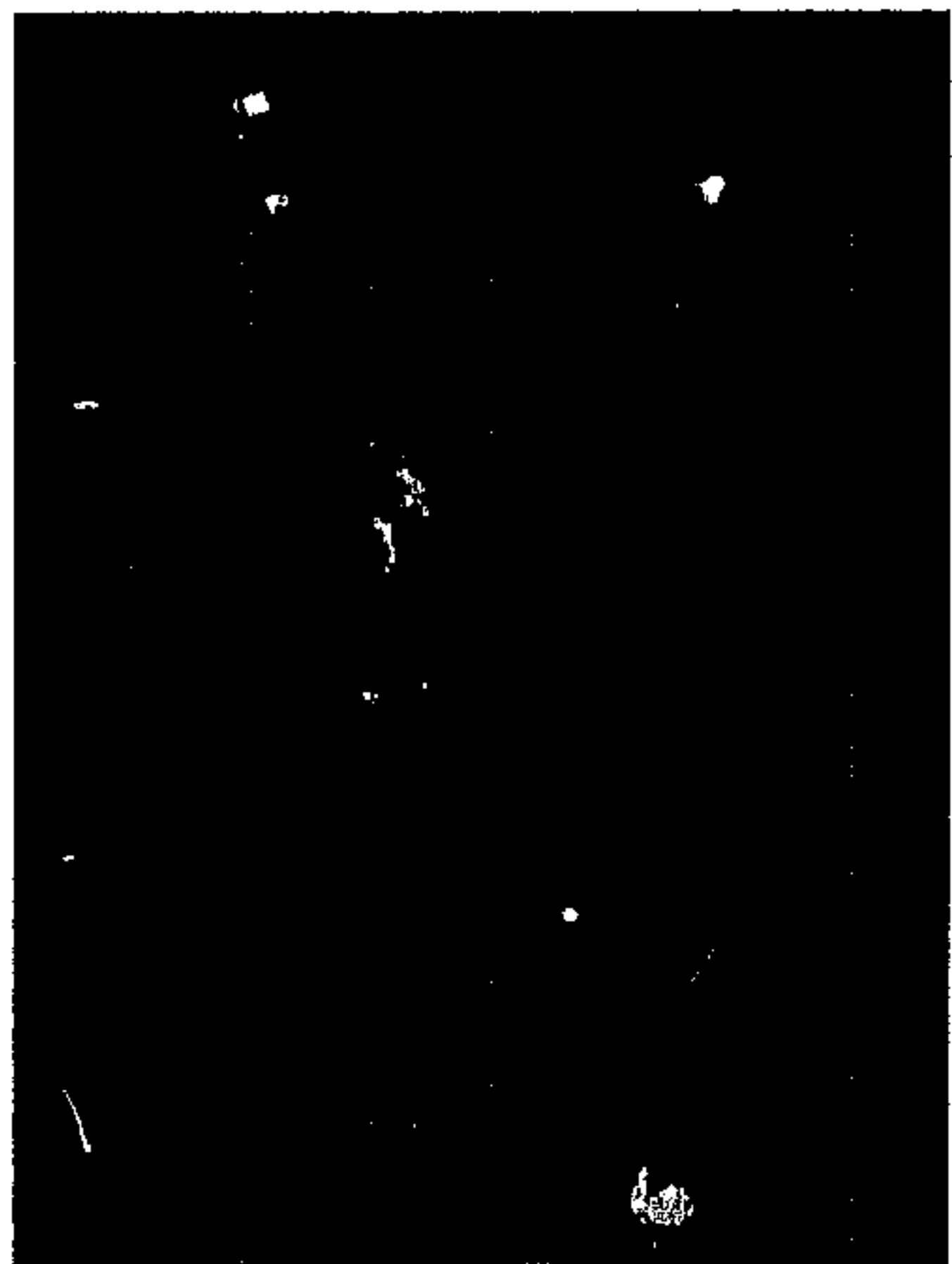
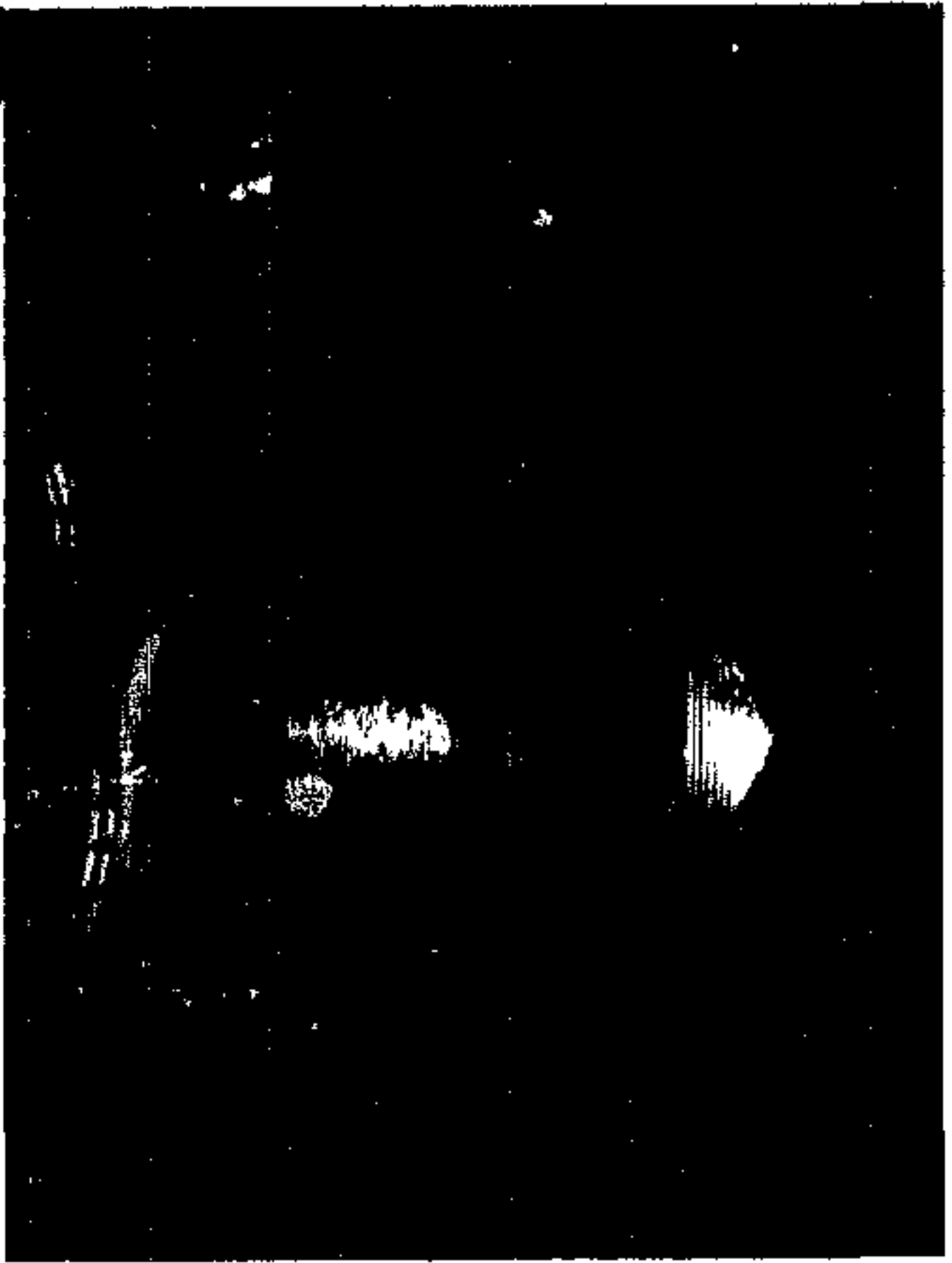
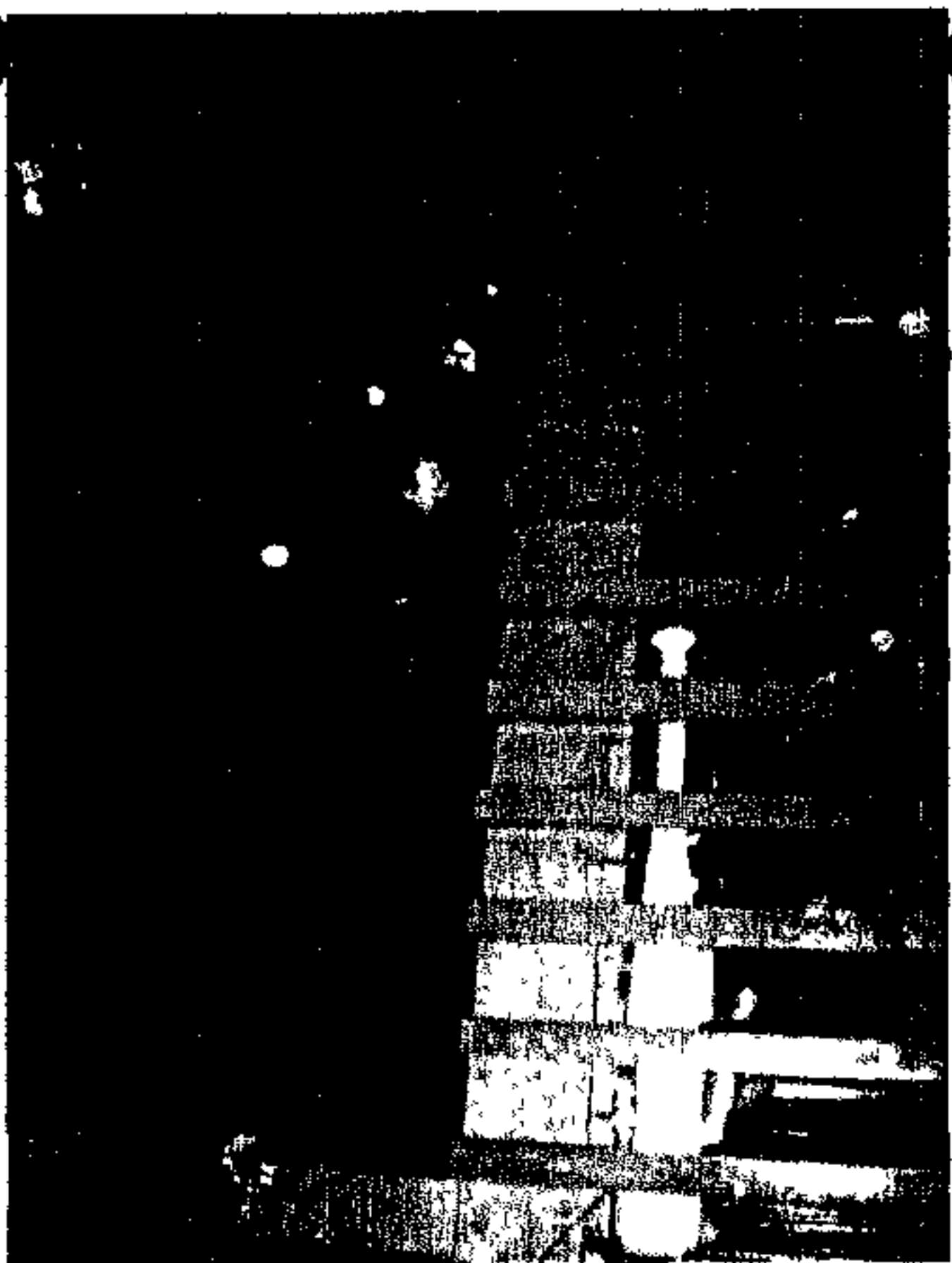
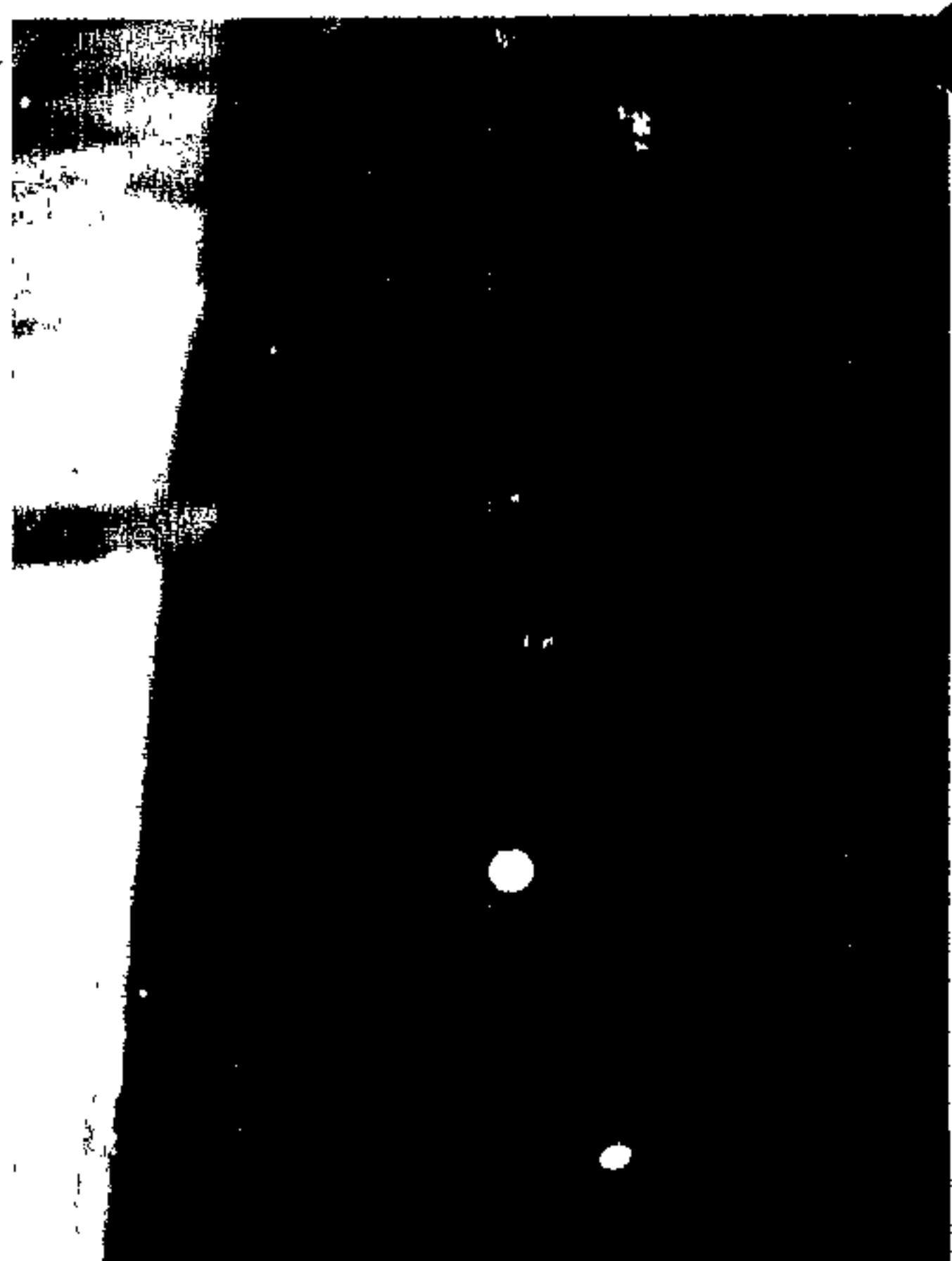
Thank you so much for your time,

Roy and Barbara Smith
350 Poplar Rd.
Baltimore, MD 21221

PROTESTANT' S

EXHIBIT NO. 2





Subj: **350 Poplar Rd.**
Date: 6/14/2006 8:47:11 AM Eastern Daylight Time
From: ksharbonda@co.ba.md.us
To: smithfamily978@aol.com
CC: JAltmeyer.COB_PO.COB_DOM@co.ba.md.us, mmoorefield.NCH_PO.NCH_DOM@co.ba.md.us

Glenn Berry from bldg. inspection contacted me about the drainage issues on 350 poplar Rd. and we decided a joint meeting at the site is in order. please contact me/us for setting a time to address this please. Thanks.
410-887-3226

Kevin R. Sharbonda
Supervisor On The East Side
Inspection & Enforcement
Dept Environ Prot & Res Mngmt
Mailto: ksharbonda@co.ba.md.us
410-887-3226

July 23, 2006

I live at 336 Poplar Road, and have been experiencing drainage water coming onto my property. I have lived here for 40 years, and have always had some water, but it has been getting worse. There is a ditch which empties onto my property from my neighbor, and his neighbor empties onto his property, and so on up Poplar Road. There was a time when this ditch would be dry, but this year there is water there all the time. Additionally one property on Townsend Road that borders my property has done major construction; a two story garage with attached covered recreation room. The downspouts empty out into my property. The property adjacent to this property has built up the land and it slopes toward my property. They have buildings, probably within the legal limit of the property line. They drain off through some type of collector, and the water exits into the corner of my property. I have no doubt all of this adds to the amount of water coming onto my property.. I get no use out of the back of my property because of the wet/damp ground.

In heavy rains, the water flows over my property like a wide stream. I have had two trees lean over in a wind, because the ground was always so wet. It takes a long time for the water to soak into the ground, and in the meantime I can't get lawn equipment back there, because the ground is soft.

Please offer me some solution to this problem.


Leroy J. Holt
410-391-3792

Protestants