IN RE: PETITION FOR VARIANCE N/S of Cove Road, 100 feet E of c/l of Stansbury Road 12th Election District 7th Councilmanic District

(8404 Cove Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-667-A

Jack A. Schepleng, Sr. & Lorraine Hathaway Petitioners

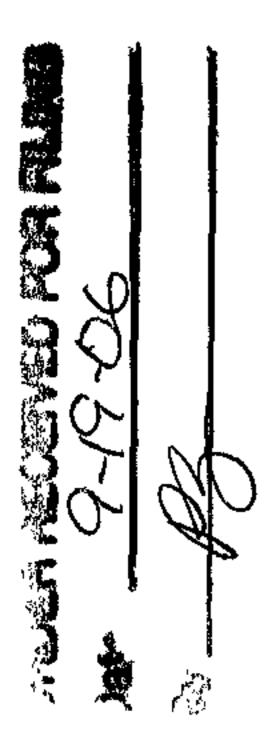
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Jack A. Schepleng, Sr. and Lorraine Hathaway. The Petitioners requested variance relief for property located at 8404 Cove Road. Variance relief is requested from Sections 1B02.3.C.1 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) and 400.1.d (2)(A) of the ZCPM to permit an accessory structure (shed) to be located 1.5 feet from the rear property line in lieu of the required 25 feet for a double frontage lot.

A letter of protest was received from adjoining property owner Keith Minton and this matter was set for public hearing by the Director of Permits and Development Management

The property was originally posted with Notice of Administrative Variance on July 8, 2006. The property was posted again on August 31, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 31, 2006 to notify any interested persons of the scheduled hearing date and relief requested.



Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Bureau of Development Plans Review dated July 10, 2006 which contains restrictions and a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Jack A. Schepleng, Sr., and Lorraine Hathaway, Petitioners. There were no protestants or citizens at the hearing.

Testimony and Evidence

The subject property contains 4,611 square feet zoned ML-IM and is improved by the Petitioner's waterfront home. The Petitioners indicated that they have an existing 16

foot x 16 foot shed located on leased CSX property across Cove Road which they use to store equipment, tools, decorations, etc. A photograph of the shed is shown in exhibit 2L. Many other homes along Cove Road lease similar space for storage and parking. Apparently CSX has had complaints that residents are changing oil and servicing vehicles on CSX property and this is causing environmental complaints. As a result CSX is terminating leases such as the Petitioners' have and require that all structures be removed. The CSX property will be used only for parking in the future.

The Petitioners would like to move the shed across the street onto their property as shown on exhibit 1. The surrounding uses in the area are all residential even though the zoning is industrial. Because the property is located in an ML-IM zone, the shed must be setback 25 feet from the rear property line. The Zoning Office regards waterfront properties like the Petitioners' as double frontage. The Petitioners indicated that they can not move the shed 25 feet from the street as the shed would no longer be in the rear yard as required by the regulations. However they indicated they could move it back 2.5 feet and still have the shed in the rear yard as well as meeting the 2.5 foot setback for accessory structures in residential zones.

In support of their request they presented a petition signed by most neighbors, and presented extensive photographs of other sheds in neighbors yards in similar locations (exhibit 2) including a similar shed belonging to the neighbor who sent in a letter of protest which triggered the public hearing.

Finally in regard to the ZAC comment from the Bureau of Development Plans Review, it appeared as though the comment was based upon a new building. However the Petitioners want only to move the existing shed across the street. As such they contacted Development Plans Review who required them to execute a Nonconversion Agreement for Certain Structures in the Flood Plain in which they acknowledged their property is in a flood plain and specifies uses that may be made of the structure, requirements for mechanical and electrical safety and venting requirements.

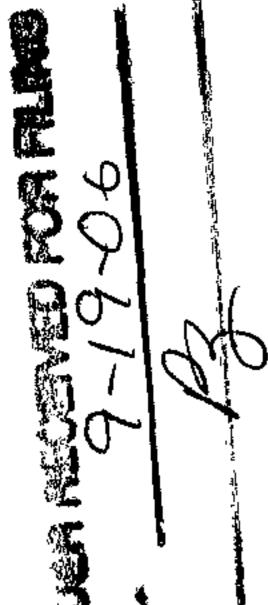
Findings of Fact and Conclusions of Law

This is waterfront property with the front of the house toward the water. This leaves the rear yard having a depth of only 15 feet on one corner. This is the kind of peculiar circumstance and structure which makes the property unique from a zoning standpoint.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The shed already exists and it would be impractical to shrink its size to better accommodate the regulations.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Apparently nearly every property has a similar shed located on the road as shown by the photographs and so this shed will not change the character of the neighborhood. I note in passing that the neighbor who complained about the administrative request has a similar shed in a similar location as shown by the Petitioner's photographs. By agreement I will change the relief to 2.5 feet to be consistent with setbacks of residential zones should the industrial zoning for this property change in the future.

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

THEREFORE, IT IS ORDERED, this 19th day of September, 2006, by this Deputy Zoning Commissioner, that the Petitioner's variance request from Sections 1B02.3.C.1 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) and 400.1.d (2)(A) of the ZCPM to permit an accessory structure (shed) to be located 2.5 feet from the rear property line in lieu of the required 25 feet for a double frontage lot is hereby GRANTED, subject to the following conditions:

- 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. The Petitioner shall comply with the terms of the Nonconversion Agreement for Certain Structures in the Flood Plain dated September 18, 2006.

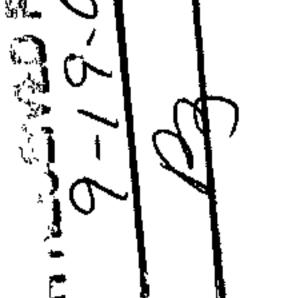
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



M. T. S.



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 19, 2006

JACK A. SCHEPLENG, SR. AND LORRAINE HATHAWAY 8404 COVE ROAD BALTIMORE MD 21222

Re: Petition for Variance
Case No. 06-667-A
Property: 8404 Cove Road

Dear Mr. Schepleng and Ms. Hathaway:

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

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

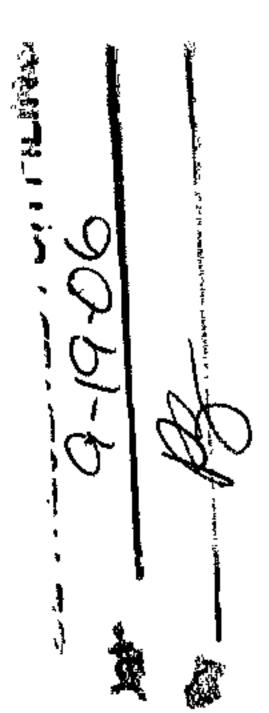
Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure







Petition for Administrative Variance

to the Zoning Commissioner of 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

MARYLAND	for the property located at	8404 Cove Road	, Balto., MD 21222
	which is	presently zoned	ML-IM
This Petition shall be filed with to owner(s) of the property situate in Emade a part hereof, hereby petition	he Department of Permits and Developn Baltimore County and which is described in for a Variance from Section(s)	nent Management. The description and pla	he undersigned, legal it attached hereto and

see affached

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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Jack A. Schepleng, Sr. Name - Type or Print Name - Type or Print Signature <u>Lorraine Hathaway</u> Telephone No. Address Name - Type or Print maine Zip Code City State Signature 410-2(88-5409) 8404 Cove Road Attorney For Petitioner: Telephone No. Address 21222 MDBaltimore Zip Code Name - Type or Print City State Representative to be Contacted: Signature Jack A. Schepleng, Sr. Company Name 430-960-1438 8404 Cove Road Address Telephone No. Address Telephone No. City Zip Code City Zip Code State State 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 this day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. Reviewed By REV 10/25/01 **Estimated Posting Date**

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the perfollows: That the information herein given is competent to testify thereto in the event that a p	within the personal kr	nowledge of the Affiant(s)	and that Affiant(s) is/are
That the Affiant(s) does/do presently reside at	8404 Cove Road Address	<u>d</u>	
•	Baltimore. MD	21222	
	City	State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upo ip or practical difficulty)	n which I/we base the req	uest for an Administrative
.			
See Attached			
		•	
That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed	Affiant(s) will be require	d to hav a reposting and
advertising fee and may be required to provide a	additional information.	minarita vin se require	a to pay a reposting and
all allowed		De la Mar	tour 1
Signature	Signa	Jure Hure	anny -
Name - Type or Print	Name	rraine Hathaway - Type or Print	<u> </u>
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
I HEREBY CERTIFY, this 22nd day of Jun of Maryland, in and for the County aforesaid, pe	rsonally appeared	_, <u>2006</u> , before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me	as such Affiant(s).	<u></u>
AS WITNESS my hand and Notarial Seal			\sim \sim \sim \sim

My Commission Expires

DEBURAH JEAN CALDWELL

Notary Public

Baltimore Co., MD

My Comm. Exps. Aug. 1, 2007

REV 10/25/01

1B02.3.C.1 and 302, BCZR and Section 400.1.d.(2) (A), ZCPM to permit an accessory structure (shed) be located 1.5 ft. from the rear property line in lieu of the required 25 ft. for a double frontage lot.

Applicant desires to place a 16'x16'x15' shed on their property. The Applicant would like to place the shed at the eastern rear corner of the property located on Cove Road with a 3 foot setback off of the adjoining property owner's lot and a 3 foot setback from the side of Cove Road.

Because the Applicant's property is waterfront property, applicable zoning does not allow the Applicant to place the shed in front of the house, on the waterfront side.

The shed is already constructed and presently located directly across the street on property owned and leased by CSX. CSX has recently notified all lessees of its property that it intends to terminate all of the leases and that all buildings must be removed from its property. Because of these lease terminations, Applicant must now relocate the above-referenced shed. This would be a great hardship to the Applicant.

The Applicant is requesting a variance of the 15 foot setback from the road due to the fact that the lot is quite small and to place the shed 15 feet off of Cove Road would place it directly next to the existing house with only a small walkway in between the structures.

Attached are two letters from the adjoining property owners indicating their approval of the shed being place on the corner of the lot,

Please also note that at the following addresses: 8408, 8410, 8412 and 8416 Cove Road, all of these properties have sheds and/or garages located at the edge of the road.

ZONING DESCRIPTION FOR 8404 Cove Road Baltimore, Maryland 21222

BEGINNING FOR THE SAME on the north side of a 20 foot alley, the north side of said alley being parallel with and 60 feet north of the center line of the single track of the Patapsco Neck Branch of the Baltimore and Ohio Railroad, at the distance of 570 feet, measured along the north side of said alley, from the eastern outline of that parcel of land heretofore conveyed by Mary E. Stansbury, et al, to William Wilson and wife, and running thence binding on the north side of said 20 foot alley, with the use thereof in common, South 64 degrees 38 minutes East 57 feet, thence leaving said alley for new division lines through the land of Mary Eloise Stansbury, et al, as follows: North 14 degrees 26 minutes East 86.71 feet to the waters of Bear Creek, thence running and binding on said Creek Northwesterly 52 feet, and thence running South 18 degrees 56 minutes West 86.71 feet to the place of beginning.

The improvements thereon being known as No. 8404 Cove Road.

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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: #06-667-A

8404 Gove Road
North side of Gove Road, 100 feet east of centerline of Stansbury Road
12th Election District - 7th Councilmanic District
Legal Owner(s): Jack A: Schepleng, Sr., & Lorraine Hathaway
Variance: to permit an accessory structure (shed) to be located 1.5 feet from the rear property line in lieu of the required 25 feet for a double frontage lot
Hearing: Monday, September 18, 2008 at 10:00 a.m. in Room 407, County Courts Building; 401 Bosiey
Avenue, Towson 21204.

WILLIAM J. WISEMAN, (II
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped, Accessible: for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-8868:

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

8/357 Aug, 31

CERTIFICATE OF PUBLICATION

831,2006	!
THIS IS TO CERTIFY, that the annexed advertisement was pul	plished
in the following weekly newspaper published in Baltimore County	, Md.,
once in each ofsuccessive weeks, the first publication app	earing
on 831,2006.	
The Jeffersonian	<u> </u>
☐ Arbutus Times	
☐ Catonsville Times	1
☐ Towson Times	
Owings Mills Times	1
☐ NE Booster/Reporter	i !
☐ North County News	
P Wilkinson	

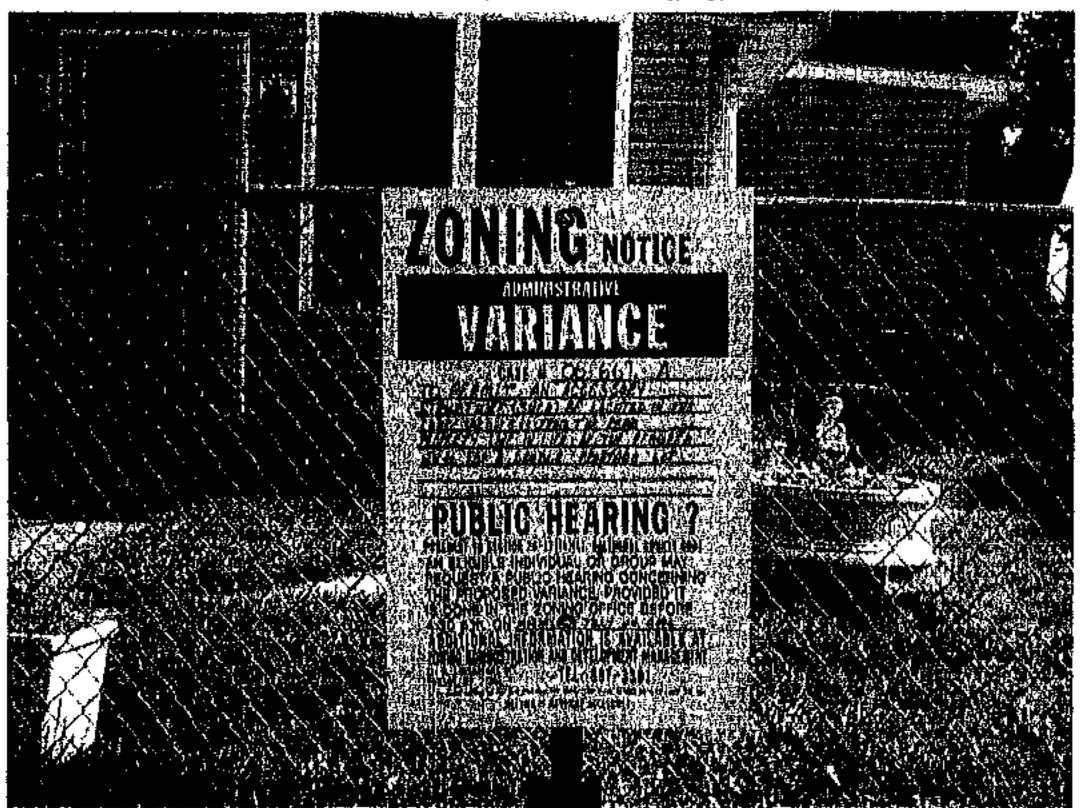
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-647-A

	Petitioner/Developer: TACK & LORLAINE HATHOWAY
	Date Of Hearing/Closing: 7/24/06
Baltimore County Department Permits and Development Macounty Office Building, Root 111 West Chesapeake Avenue	anagement om 111
Attention:	
Ladies and Gentlemen:	
This letter is to certify under sign(s) required by law were at	the penalties of perjury that the necessary posted conspicuously on the property 8404 COVE LD.
his sign(s) were posted on_	July 8, 2004
	(Month, Day, Year)
	Sincerely,
•	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)

im000730 (1152x864x24b jpeg)



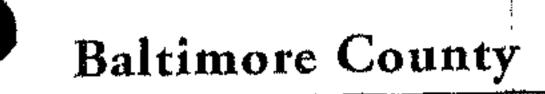
Martine 7/8/06

my Echaplers reded to perspone hearing, he will be believed town on original date.

Department of Permits a Development Management

Director's Office County Office Building 111 W. Chesapeake Aren te Towson, Maryland 2 201 Tel: 410-887-3353 • Fax: 411-837-5708





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

August 2, 2006

NEW 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: 06-667-A

CASE NUMBER: 06 667-A

8404 Cove Road

North side of Cove Ruad, 100 feet east of centerline of Stansbury Road

12th Election District -- 7 h Councilmanic District

Legal Owners: Jack 🛝 Schepleng, Sr., & Lorraine Hathaway

Variance to permit an a ccessory structure (shed) to be located 1.5 feet from the rear property line in lieu of the required 25 feet for a double frontage lot.

Hearing: Monday, September 18, 2006 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Director

TK:klm

C: Mr. Schepleng, Sr. & Ms. Hathaway, 8404 Cove Road, Baltimore 21222 Keith Minton, 613 Forest Vlew Road, Linthicum 21090

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 2, 2006.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMINIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-8 B7-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZOINING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 31, 2006 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple Permits & Development Management 111 West Chesapeake Avenue Towson, MD 21204 410-887-3353

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: 06-667-A

8404 Cove Road

North side of Cove Road, 100 feet east of centerline of Stansbury Road

12th Election District – 7th Councilmanic District

Legal Owners: Jack A. Schepleng, Sr., & Lorraine Hathaway

Variance to permit an accessory structure (shed) to be located 1.5 feet from the rear property line in lieu of the required 25 feet for a double frontage lot.

Hearing: Monday, September 18, 2006 at 10:00 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 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

July 31, 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: 06-667-A

8404 Cove Road

North side of Cove Road, 100 feet east of centerline of Stansbury Road

12th Election District - 7th Councilmanic District

Legal Owners: Jack A. Schepleng, Sr., & Lorraine Hathaway

Variance to permit an accessory structure (shed) to be located 1.5 feet from the rear property line in lieu of the required 25 feet for a double frontage lot.

Hearing: Wednesday, September 6, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Mr. Schepleng, Sr. & Ms. Hathaway, 8404 Cove Road, Baltimore 21222 Keith Minton, 613 Forest View Road, Linthicum 21090

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 22, 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, August 22, 2006 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple Permits & Development Management 111 West Chesapeake Avenue Towson, MD 21204

410-887-3353

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: 06-667-A

8404 Cove Road

North side of Cove Road, 100 feet east of centerline of Stansbury Road 12th Election District – 7th Councilmanic District

Legal Owners: Jack A. Schepleng, Sr., & Lorraine Hathaway

Variance to permit an accessory structure (shed) to be located 1.5 feet from the rear property line in lieu of the required 25 feet for a double frontage lot.

Hearing: Wednesday, September 6, 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and July 31, 2006 Development Management

Jack Schepleng, Sr. Lorraine Hathaway 8404 Cove Road Baltimore, MD 21222

Dear Mr. Schepleng & Ms. Hathaway:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-667-A

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

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing are attached. This notice will also contain the date that the sign must be reposted with the hearing information, which will be done by this office.

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

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

Very truly yours,

W. Carl Richards, Jr.

U. Callibal D

Supervisor Zoning Review

WCR:klm

C: Keith Minton, 613 Forest View Road, Linthicum 21093

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-	667	-A	Address_	8404	Cove	Rd.	, ,
Contact Person:		Please Print You	aitis Ir Name	p	hone Numbe	r: 410-887-	3391
Filing Date:	126/06	Pos	sting Date:	7/9/06	Closing E	ate: $\frac{7}{2}$	4/0
Any contact made through the contact	e with this off t person (plan	ice regardin ner) using ti	ng the status he case numb	of the admir er.	nistrative var	iance shoul	d be
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commissione changed givi	e to a neighbor), notification in the fication of this	oor's torma n will be fo ne hearing o	request or l prwarded to y	by order of tools, out the signal of the sig	he zoning o In on the p	r deputy zo roperty mus	oning st be
	· •	(Deta	ach Along Dotted Line	e)			
Petitioner: This P	art of the For	m is for the	Sign Poster	Only		**************************************	****
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Case Number 06-				34 Cove	<u> </u>		
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the rear v	2+2 1.5 -	Ct. fro	m the 1.	ear prop	erty line	in lie	u.
of the tego	rired 25	· Ct. 1	or a dou	ble from	tage 10	1.	
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 06-667-A
Petitioner: JACK SCHEPLONG
Address or Location: 8404 Colle RD
PLEASE FORWARD ADVERTISING BILL TO: Name: SCHSPLONG
Address: 8404 Coule RD
13196To ms 2122
Telephone Number: 4/0 288 5409



JAMES T. SMITH, JR. County Executive

July 25, 2006

TIMOTHY M, KOTROCO, Director
Department of Permits and
Development Management

Jack A. Schepleng, Sr. Lorraine Hathaway 8404 Cove Road Baltimore, MD 21222

Dear Mr. Schepleng and Ms. Hathaway:

RE: Case Number: 06-667-A, 8404 Cove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 26, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callabal)

WCR:amf

Enclosures

c: People's Counsel



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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeak: Avenue
Towson, Maryland 212)4

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 65% through 673

667

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



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

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

Maryland Department of Transportation

Date:

6.30.06

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

RE:

Baltimore County

Item No.

667

BPR

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 10, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 10, 2006 Item No. 667

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 667-07072006.doc

LAW OFFICES

J. CARROLL HOLZER, P.A.

508 Fairmount Avenue Towson, Maryland 21286 (410) 825-6961

FAX (410) 825-4923 / E-MAIL: JCHOLZER@BCPL.NET

Facsimile Cover Sheet

To: B.11 Wispordin

From: J. Carroll Holze/Sterling Leese/Peggy Gilley

Date: Aug. 14, 2-006 Time: 3:00 a.m. p.m.

Total Number of Pages Including this Cover: 3

Original Will ____/ Will Not X Follow.

For Sending Office Purposes:

Fax Number: 410-

Main Number:

411)-

Client & Matter:

File Number:

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CONFIDENTIALITY NOTICE

The information in this transmittal is intended only for the individual or entity named above. The attached letter or documents may be legally privileged and confidential. If you have received this information in error, please notify the sender immediately and return the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited and a breach of confidentiality.

C FORMS/Functioner

NONCONVERSION AGREEMENT FOR CERTAIN STRUCTURES IN THE FLOOD PLAIN

Application has be	een made for a Perm	it, Condit	tioned Permit	_ , or	•
Variance	to build a 25%	sf. shed on	prop.	· · · · · · · · · · · · · · · · · · ·	
	,		*		
which does not co	nform to the elevation	on requirements of t	he Flood Dloin Mon		
Ordinance of Cour		on requirements or t	ne Pioou Piami Man	agement	
Permit # B	• • • • • • • • • • • • • • • • • • •				1
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Map Panel Numbe	levation at the site is	Effective date	feet.	,	
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n consideration for	or the granting of a	Permit. Conditions	ed Permit, or Varia	nce for the	
bove structure wh	ich does not conforn	n to the requirement	s of Baltimore Cou	nty Council	

Bill # 01-05, Section 3112.0 construction in areas subject to flooding. The Property Owner agrees to the following:
1. The enclosed area, if permitted, shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human

Management Ordinance in effect at the time of conversion.

2. All interior walls, ceilings, and floors below the Flood Protection Elevation shall

be unfinished or constructed of flood resistant materials.

habitation without first becoming fully compliant with the Flood Plain

- 3. Mechanical, electrical, fuel oil tank vent pipe, or plumbing devices shall not be installed below the Flood Protection Elevation. Fuel oil tanks or propane tanks shall be substantially anchored to prevent flotation.
- 4. The walls of the enclosed areas below the Flood Protection Elevation shall be equipped with at least two (2) vents which permit the automatic entry and exit of flood water with total openings of at least one square inch of free area for every square foot of enclosed area below flood level. The vents shall be on at least two (2) different walls, and the bottoms of the vents shall be not more than one (1) foot above grade.

BALTIMORE COUNTY

Zoning Administration and Development Management Baltimore County Flood Plain Management Ordinance

CERTIFICATE OF ACKNOWLEDGEMENT

JACK A SCHEPLENG, SR. OWNER/BUILDER: LORPHINE HATHAWAY DATE: 9/18/06 BUILDING PERMIT NO. B LOCATION: SHOY COVE RA Balto, MD 21222 I HEREBY ACKNOWLEDGE THAT I HAVE BEEN NOTIFIED BY THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS THAT MY PROPERTY HAS BEEN DETERMINED TO BE IN FLOOD ZONE 4-9 IN ACCORDANCE WITH THE "FLOOD INSURANCE RATE MAPS" FOR BALTIMORE COUNTY. AS SUCH, THE LOWEST FLOOR ELEVATION OF THE PROPOSED STRUCTURE OR SUBSTANTIAL IMPROVEMENT, WHICHEVER IS APPROPRIATE, SHALL BE ONE FOOT ABOVE THE "100-YEAR" BASE FLOOD ELEVATION OF 9 4. I ACKNOWLEDGE THAT I WILL BE REQUIRED TO HAVE THE ELEVATION OF THE LOWEST FLOOR OF THE STRUCTURE AND THE ADJACENT GROUND CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR. ALL ELEVATIONS SHALL REFER TO THE BALTIMORE COUNTY METROPOLITAN DATUM. OWNER AGREES TO SET THE LOWEST TOPO. MAP: FLOOR ELEVATION = _____ EX. GRD. ELEV.: Genaine Hartawans OWNER/BUILBER

NOTE: PRIOR TO RELEASING THE ABOVE NOTED BUILDING PERMIT APPLICATION, THIS ACKNOWLEGEMENT IS TO BE SIGNED AND RETURNED TO:

BUILDING PLANS REVIEW
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM # 120
111 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204

ALL ELEVATIONS SHALL BE REFERENCED TO BALTIMORE COUNTY DATUM "BCD" NOT NATIONAL GEODETIC VERTICAL DATUM.

IMPORTANT!

UPDATED BALTIMORE COUNTY FLOOD PLAIN CODE REQUIREMENTS EFFECTIVE 11/17/93 (BILL #173-93).
NEW CONSTRUCTION INCLUDING ALL ENCLOSED ACCESSORY STRUCTURES AND GARAGES MUST COMPLY AS ACKNOWLEDGED AND AGREED TO BY THE OWNER AT
8404 Cove Rd. Balto. MD 21222
(address - number, street, and zip code)
Section 517.1.3.A
Where feasible, accessory structures and garages should be located out of the Flood Plain or elevated to or above the Flood Protection Elevation as determined or accepted by PDM, Room 111. When these measures are not feasible, the following shall apply:
 The floor of the structure must be at or above the grade; The structure must be located, oriented, and constructed so as to minimize flood damage; The structure must be firmly anchored to prevent flotation; and All accessory structures or attached and detached garages must be used solely for parking of vehicles or limitedstorage.
MINIMUM CONSTRUCTION REQUIREMENTS:
 A minimum of 2 vent openings no higher than one foot above grade on separate sides of structure having a total net area of not less than one square inch for every square foot of enclosed area (including crawl spaces); All interior walls, ceilings, and floor elements below the "Flood Protection Elevation" must be unfinished; and No machinery, electric devices, or applicances may be located below the "Flood Protection Elevation". ADDITIONAL REQUIREMENTS:
ADDITIONAL REQUIRENTS:
1. Accessory structures or detached garages which are 300 square foot or less in area shall be permitted only when: (a) vented, (b) anchored, and (c) with a completed "Non-conversion Agreement" submitted to PDM.
2. Accessory structures or garages between 300 square feet and 900 square feet in area shall be permitted onlywitten: (a) vented, (b) anchored, (c) a completed "Non-conversion Agreement"; and (d) a completed "Recordation Against the Deed" or "Declaration of Land Restriction" submitted to PDM.
3. Accessory structures or garages over 900 square feet in area shall not be permitted.
Section 517.0.2
If an improvement to an existing structure is proposed, the owner must furnish adequate information on the costs the improvement and the market value of the structure to Building Plans Review, Permits and Licenses.
I have read and agree to comply with all of the above applicable requirements.
Date 1-18-06 Signature Concine Wath driving
Print Name JACK SCHEPLENG *LORRANGE
Revised 9/5/95 Phone 410-960-1438
•

TO WHOM IT MAY CONCERN:

My neighbors at 8404 Cove Road have indicated to me that they wish to build/place a shed on their property alongside my property in the corner at the roadside. I also know that the shed will have the dimensions of 16 feet by 16 feet by 15 feet tall and will be 3 feet off of the property line. I do not have any problems with my neighbors building/placing this shed on their property in the location that they have indicated.

Sidney Smith

8406 Cove Road

Baltimore, Maryland 21222

TO WHOM IT MAY CONCERN:

My neighbors at 8404 Cove Road have indicated to me that they wish to build/place a shed on their property on the opposite side of their property in the corner at the roadside. I also know that the shed will have the dimensions of 16 feet by 16 feet by 15 feet tall and will be 3 feet off of the property line. I do not have any problems with my neighbors building/placing this shed on their property in the location that they have indicated.

MICHAEL WILLIAMS

8402 Cove Road

Baltimore, Maryland 21222

Mr. Timothy Kotroco PDN 111 W. Chesapeake Ave. Towson, MD. 21204 The low requested the service.

7/23/06

Zoning case # 0667A, 8404 Cove Rd. Sent via fax and mail (confirmation retained)

Dear Mr. Kotroco,

I am the owner of 8402 Cove Rd. Baltimore, Md. 21222. I am against the zoning variance sought by 8404 Cove Rd. to install a 2 story storage garage in the front yard to the property. The variance sign was up for less than one week.

The front yard will barely hold this very large structure, which would be an eye sore, lower property values and create a hazard on the very narrow Cove Rd. The individual did not pay the CSX lease on the property the structure currently sits and therefore will not have any legal parking for his 6 vehicles without using his front yard. The street is already hazardous. This structure is as large as a one car garage with a second story.

The neighbors to the left of my property also does not want the structure. If there is a hearing I want to attend. My phone number is 410-456-7753, Fax number 410-534-9471.

Thank you in advance for your assistance.

Sincerely.

Keith Minton
613 Forest View Rd.

Linthicum, Md. 21090

ф₁₁.

Owner of 8402 Cove, who will occupy the building in the next month.

Mr. Carl Richards, Jr. Zoning Supervisor

4107472025

From: Keith Minton 10 410-456-7753

RE: CASE #: 06-667-A 8404 Cove Rd.

Sent via fax to: 410-887-3048

The letter you send me notifying me of the zoning hearing is incorrect As follows:

VARIANCE IS TO PLACE THE STRUCTURE IN THE FRONT OF THE PROPERTY NOT THE REAR.

Inspector Robyn Clark determined that the front of this property is along Cove Rd.

the request for the variance is inaccurate!

To: Mr. Timothy Kotroco

4107473835

From: Keith Minton

RE: Baltimore County

(sent via fax, conf. Retained 7/26/06

I am the owner of 8402 Cove Rd. Baltimore, Md. and I have been put through extensive harassment due to my neighbor at 8404 Cove Rd., Mr. Jack Schepleng, with the assistance of the county inspectors and county police.

Mr. Schepleng has numerous code violations on his property, but uses all his time to file complaints against my property. When he called in the first complaint, your inspector Ms. Robyn Clark came out and I found her to be reasonable, professional, and I complied with all her requirements. I decided to install a privacy fence due to Mr. Schepleng, harassment and Robyn said I would need a permit, I also reviewed installing siding on my existing shed and installing an elevated roof with the same pitch. The permit department instructed me by phone that the shed would not need a permit. When my son filed for the fence permit, he requested a permit for the shed renovations and the permit office refused to issue a permit, again indicating that one was not required. My tenants, under the direction of Mr. Schepleng accepted a stop work order from inspector Profill, and never informed me of the stop work order. On Sunday, 7/23/06 my family was at the property working on the fence and shed and Mr. Schepleng called the police and the police of Baltimore County indicated that my family could be arrested if work continued on the shed or fence. Mr. Schepleng indicated that the "county" instructed him to call the police if "any work" proceded. The police with Mr. Schepleng's "fabricated stories" threatened to arrest my sons, if they continued on the fence.

Another inspector, Mr. Lenny Wasilewski ("Mr. Schepleng) stated that Ms. Clark has no authority and that he would have to come out Tuesday August 1st, to make the "official" determination as to the location of the "front" or "rear" of Mr. Schepleng's house and that at that time I would be told to remove the fence. Also inspector Mr. Errol Ecker was also involved. Does Mr. Schepleng have authority over County Inspectors?

I should not have been told by various "County" officials different requirements, and, you should establish a system when an individual "abuses" the system and continuously files complaints in a vindictive manner.

The one reasonable, consistent voice that I had the pleasure of working with was Ms. Robyn Clark.

Mr. Schepleng's yard has construction materials on both sides, he has 2 existing sheds in the "front" yard, he built a (T) shaped addition to his dock "and told me it was done without permits, as he has connections in the county", his yard has several jet ski's in the front, with trailer's, across from his house he has a camping trailer with someone living in it, has a dump truck, etc. It is obvious that he does not have to follow County Codes. CSX has told me he does not have a lease on the property across from his house.

CSX has informed him to vacate their property and remove all his property by July 31st. Even if the property is owned by CSX, these areas are used by the property fronting the CSX property under an annual lease. Is the County indicating that, they have no jurisdiction over the CSX, property? If an individual is trespassing on property and conducting "code enforcement" issues do you not inform the individual, when you know from your inspectors that this individual is violating the code??????????

You, through your office and inspectors are <u>treating me differently</u> than Mr. Schepleng, I conform to all code issues and you are not enforcing, Mr. Schepleng to comply. I would like to be know, why the rules are not uniform.?

Please respond to this letter in writing at your earliest convience.

4107473835

Sincerely,

613 Forest View Rd.

Linthicum, Md. 21090

410-456-7753

Robyn Clark

John Murphy ~ ZAC #06-667

From:

Dennis Kennedy

To:

Murphy, John

Date: 09/20/06 2:54 PM

Subject: ZAC #06-667

Dear Mr. Murphy:

Mr. Shepleng and his wife were here and I took them to see the Building Plans Review people. Mr. Shepling will be floodproofing his shed in accordance with the Code. The first floor of the shed does not have to be raised to be one foot above the flood plain elevation. I apologize for any confusion. Dennis Kennedy

TO:

PATTI

410-887-3468 (fax)

FROM:

LORI HATHAWAY

DATE

SEPTEMBER 19, 2006

RE:

CASE NO.: 06-667-A

8404 Cove Road

Per our telephone conversation of moments ago, attached is a corrected Certificate of Acknowledgement. Please replace the previously submitted Certificate with this one.

Thank you very much for your attention to this matter.

Lori Hathaway

410-332-8527 (00)

CASE NAME CASE NUMBER DATE

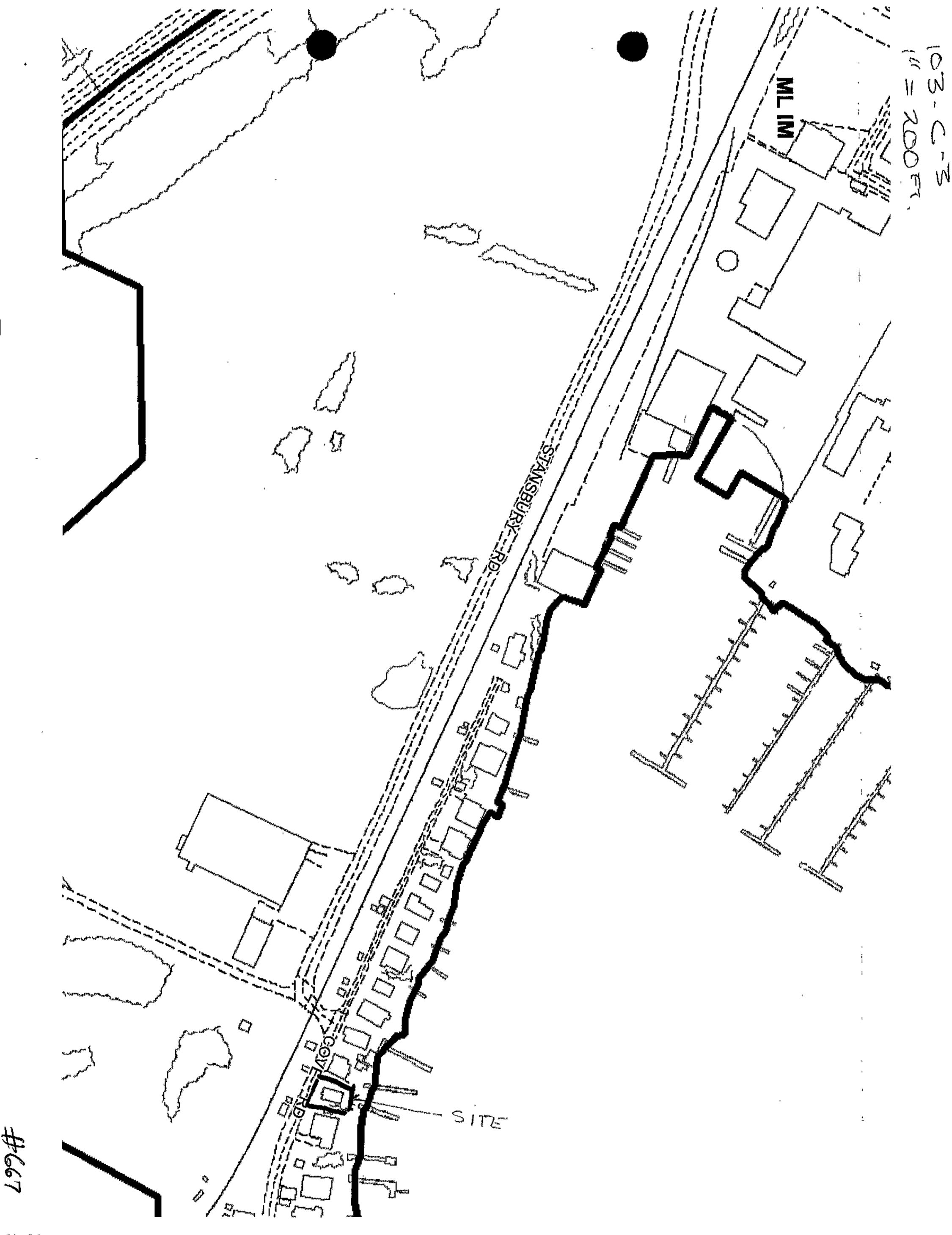
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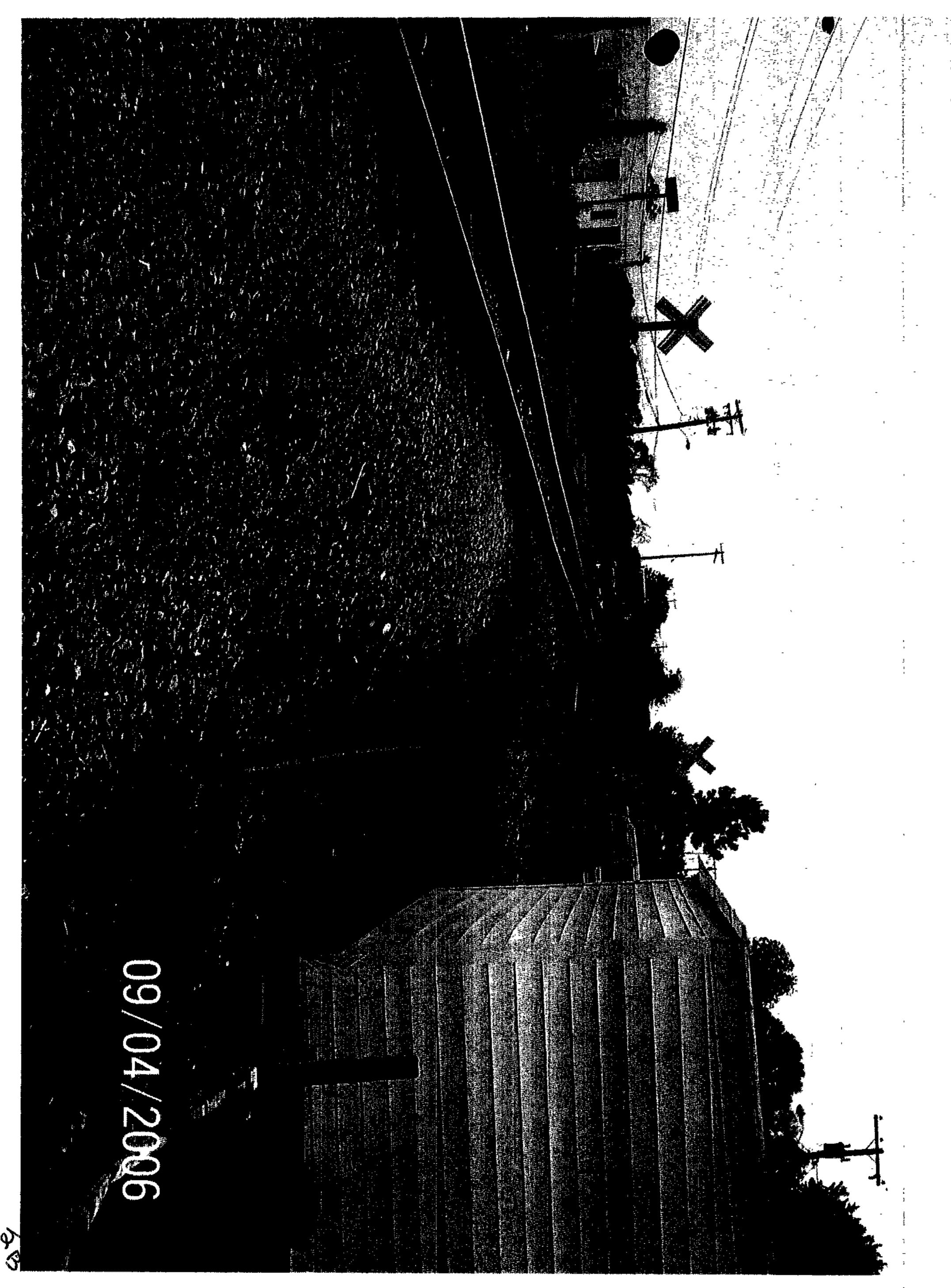
We are the residents of Cove Road. Our neighbors at 8404 Cove Road have advised us that they wish to relocate their already existing 16 x 16 foot shed onto their property along the roadside. The shed currently is located directly across the street on CSX property. They have also advised us that the shed will be approximately 3 feet off of the neighboring property line (8406 Cove Road) and 1.5 feet off of the roadside. We do not have any problems with our neighbors placing this shed on their property in the location that they have indicated.

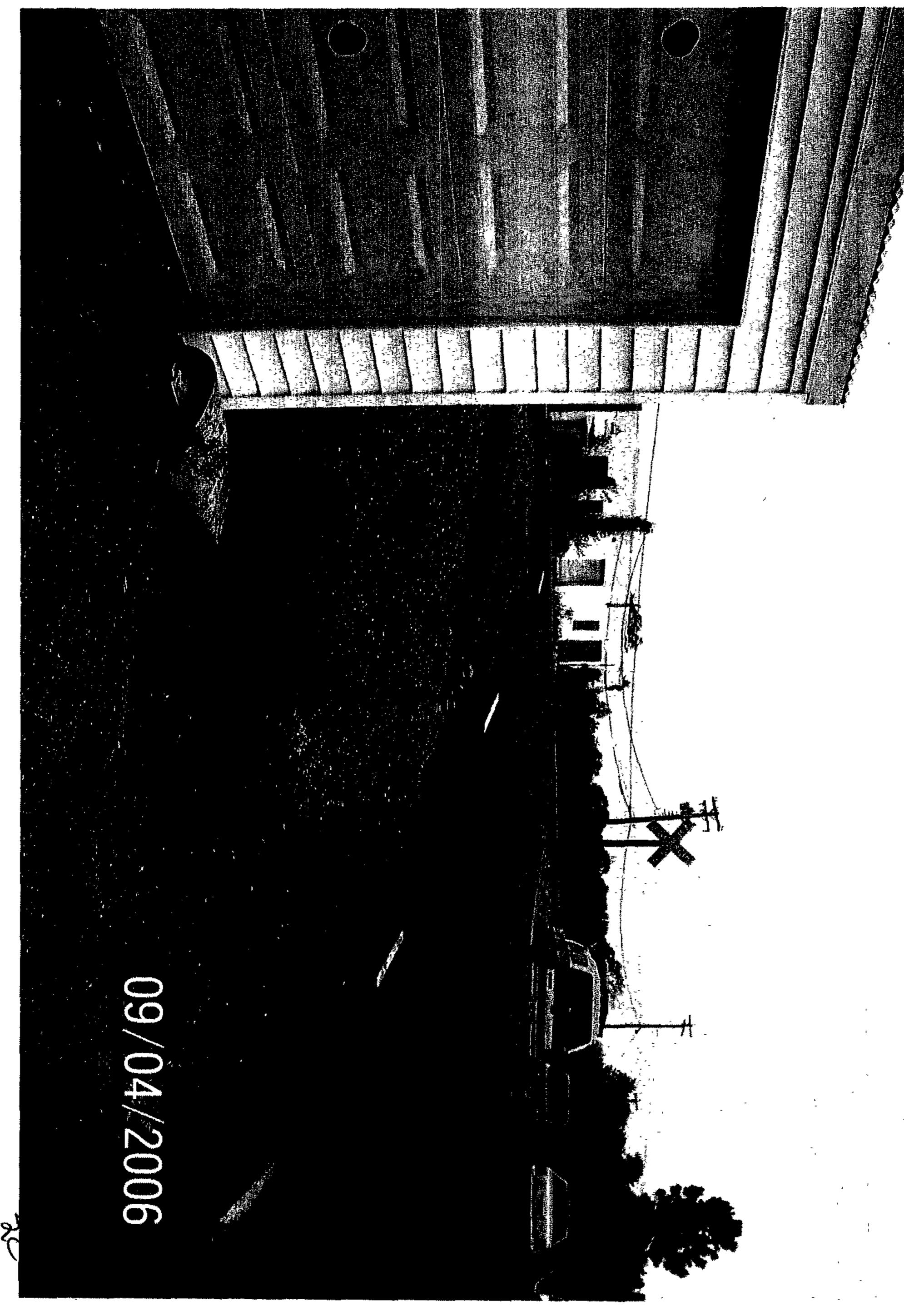
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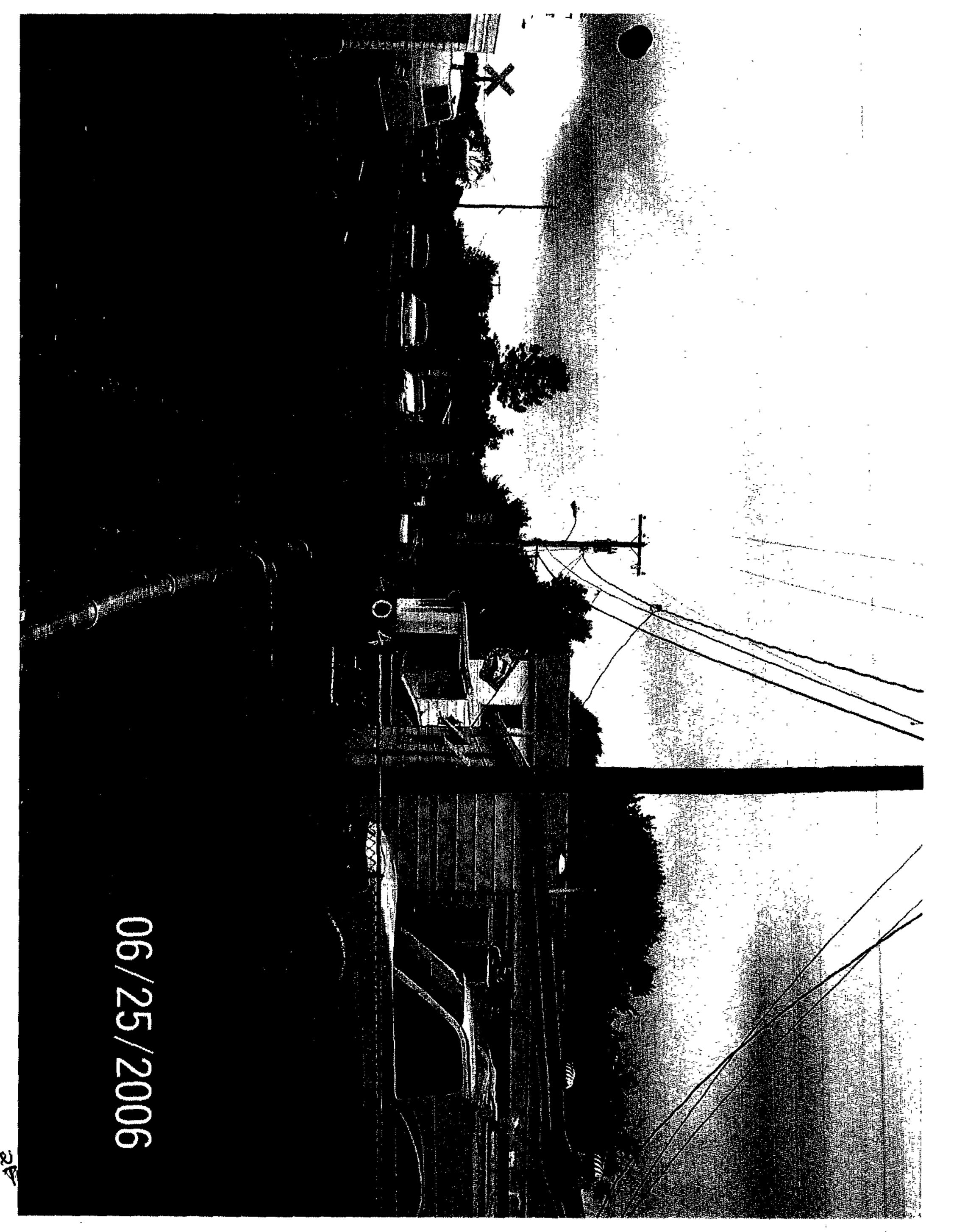


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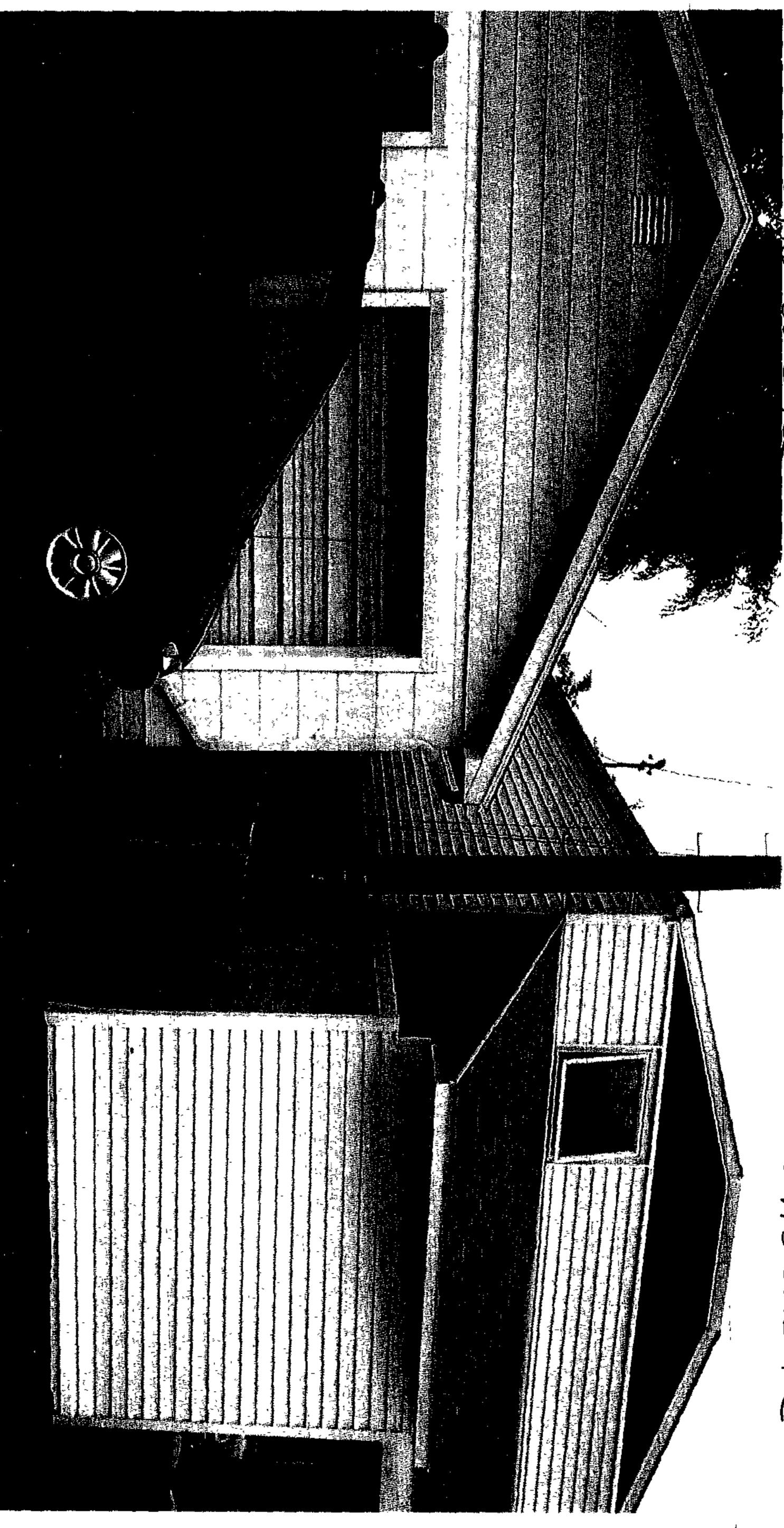
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06/25/2006

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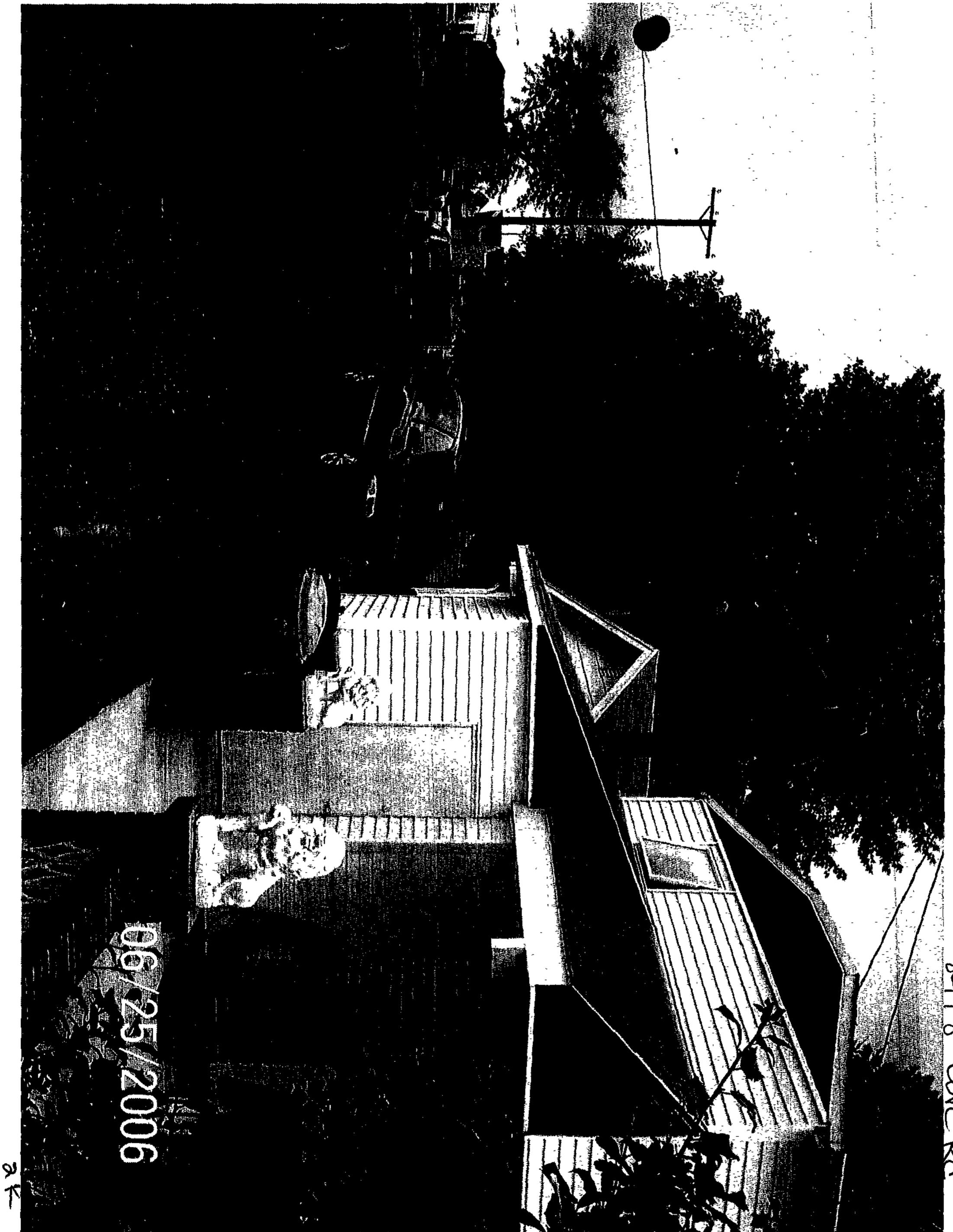


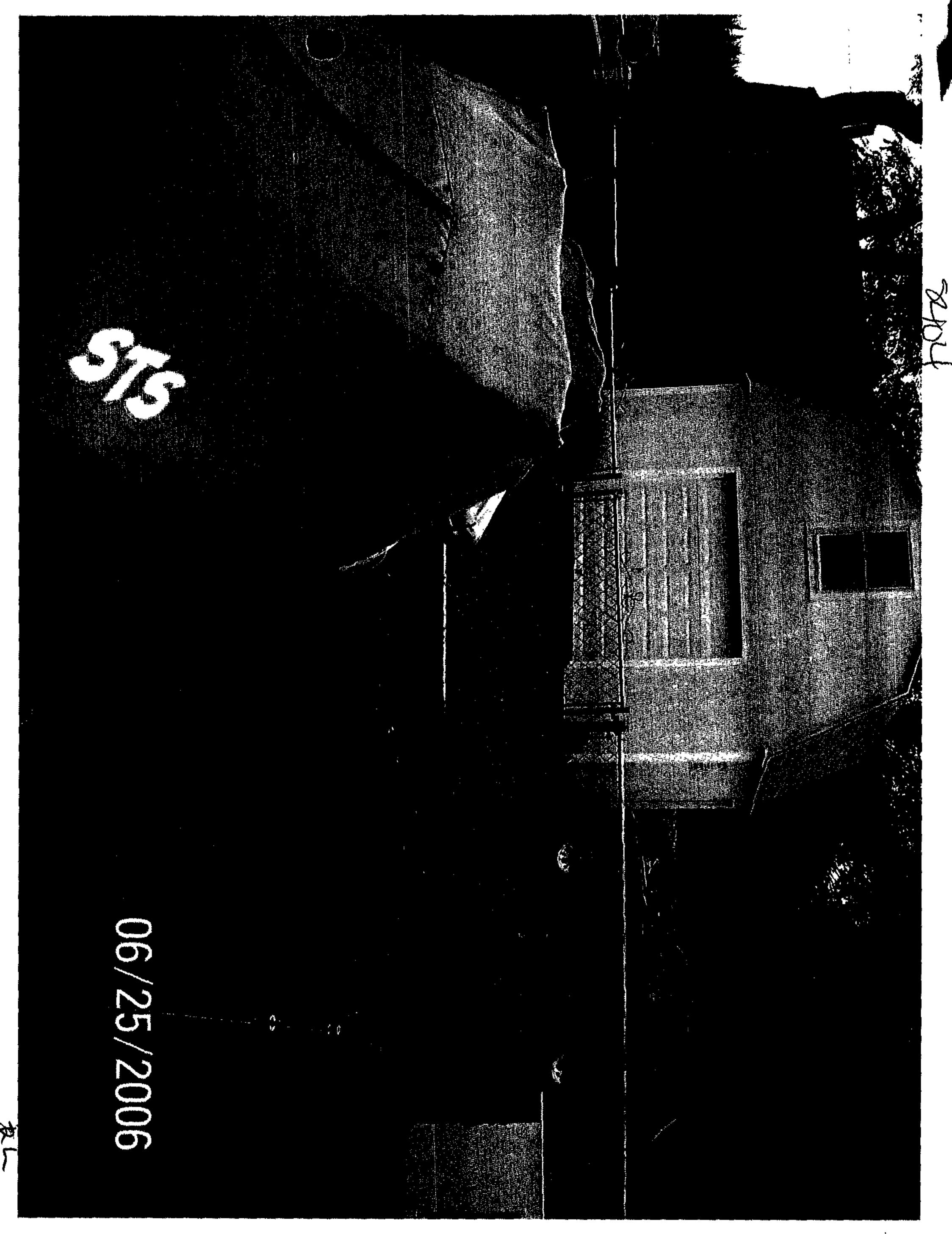
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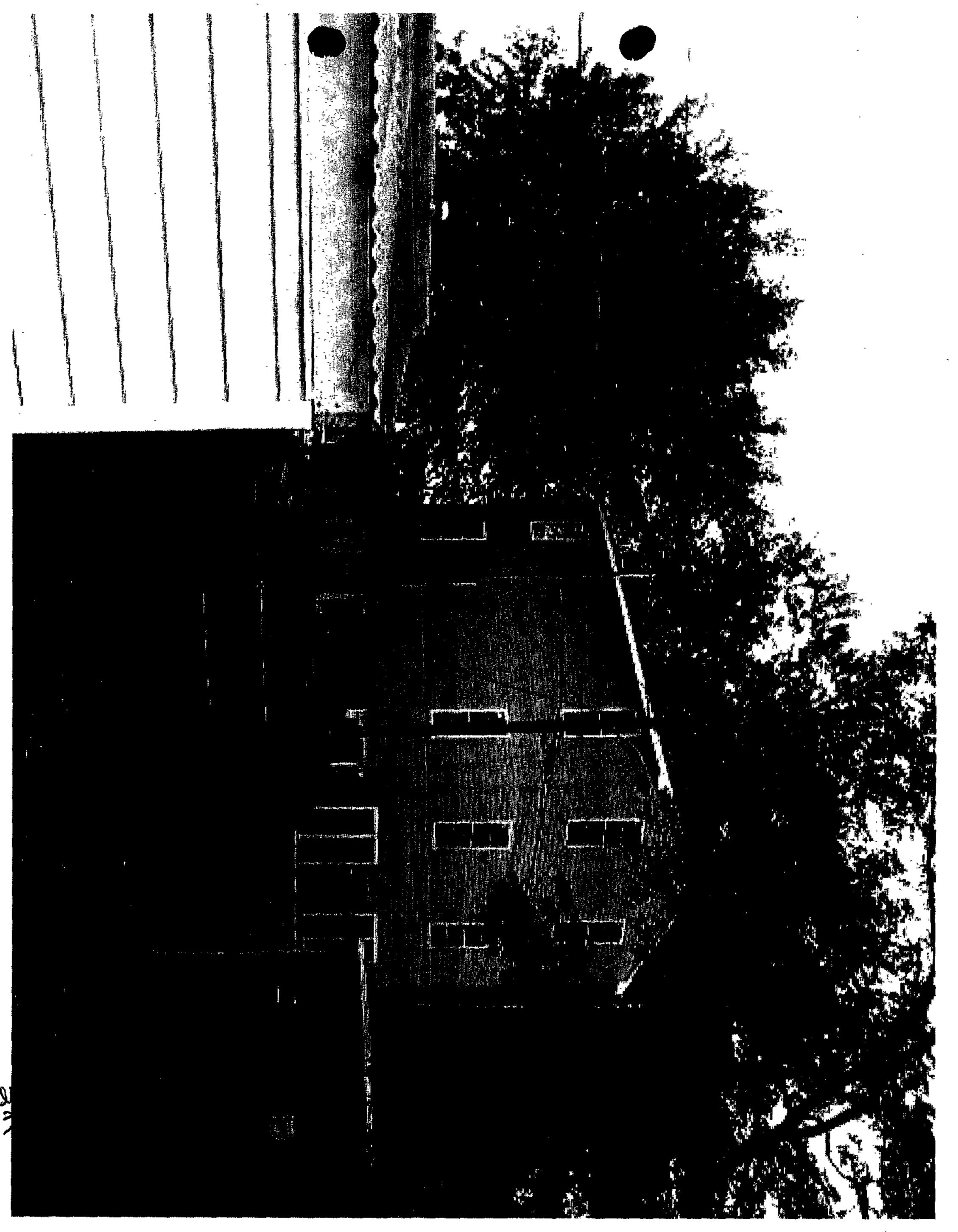


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8402 Cove Rd

09/04/2006

