IN RE: PETITIONS FOR SPECIAL HEARING & *

VARIANCE – N & S/S Gorsuch Mill Road,

N Corner Falls Road

(16710 Gorsuch Mill Road)

5th Election District 3rd Council District

Petitioners

Lawrence E. Collins, et ux

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 07-086-SPHA

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Lawrence (Lee) E. Collins and his wife, Susan (Susie) E. Collins. The Petitioners request a special hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 3112.0 of the Baltimore County Building Code; and Sections 32-4-414, 32-4-107(a)(2), and 32-8-301 of the Baltimore County Code (B.C.C.), to permit construction of a building addition in a riverine floodplain. In addition, variance relief is requested from Sections 400.1 and 400.3 of the B.C.Z.R. to permit a detached accessory structure (barn) to be rebuilt in the front yard in lieu of the rear yard with a height of 25 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on the site plan, Petitioners' Exhibit 1, and the elevation drawings for the new structures, Petitioners' Exhibit 2 (home addition) and Petitioners' Exhibit 6 (barn), which were marked and submitted into evidence.

Appearing at the requisite public hearing in support of the requests were Lee and Susie Collins, the owners of the property. There were no Protestants or other interested parties present, however, it is noted that letters of support (Petitioners' Exhibit 3) were received from adjacent and nearby neighbors who are familiar with the existing dwelling and proposed improvements.

It should be pointed out that Section 400.1 of the B.C.Z.R. pertains to accessory buildings in a residential zone and mandates their location only in the rear yard. Section 404, however, exempts farms and agricultural operations from this restriction. Similarly, Section 400.3 restricts the height of accessory buildings to a maximum of 15 feet. Section 300.1 grants an exception to height requirements for barns, silos Although Petitioners own a farm and are replacing a barn, which will be used in an agricultural manner, zoning relief is required as the farm is not "commercial" in nature, and so the barn does not fall under the statutory definition of a "barn" and is required to conform to the B.C.Z.R. as noted.

Testimony and evidence offered revealed that the subject property consists of two irregularly shaped parcels bordering along the northeast side of Falls Road and bisected by Gorsuch Mill Road (the home is one side of the road and the barn foundation on the other side) just north of Mt. Zion Road in the Upperco community. The property contains a gross area of 6.819 acres, more or less, zoned R.C.2, and improved with a two-story structure that is included on the County Register (MHT) #BA-557. The dwelling, which was constructed in three phases from 1870 to 1930 is in close proximity to the Black Rock Run (see Petitioners' Exhibit 4) that runs north and south between Falls Road and the Petitioners' house, placing a portion of the home within a floodzone. Existing stone walls surround the northern and eastern exposures of the home giving protection from the stream and associated floodplain. The Petitioners' four-year old daughter has physical and developmental disabilities and utilizes a wheelchair for transportation outside the home, however, the wheelchair cannot be used inside the house due to the various existing levels. They are desirous of removing a wood frame, two-story addition with a footprint of 16 feet by 20 feet currently attached to the rear of the home and replacing it with a new addition, which would be 28 feet by 22 feet in the same location. This addition will include among other things an elevator and accessible bedroom/bathroom, all of which are necessary in order for the Petitioners to continue for the care of their daughter as she grows. This will allow their daughter access to the two most prominent portions of the house and a reasonable long-term solution to the limitations imposed by the home's existing conditions. A review of FEMA maps and the close proximity of the Black Rock Run to the house disclose the proposed addition would likely be located in Flood Zone A. Thus, the requested relief is necessary.

It is important to note that although the proposed addition will be in the same relative position to the Black Rock Run as the addition it will replace, it will still be approximately 25 feet farther from the stream than the portion of the house constructed in 1930. Moreover, the new addition and foundation will incorporate materials and standards superior to those presently existing. The bedroom will be on the second floor well above the flood level. Mr. Collins points out that in the family's ten years of ownership, they have never experienced flooding.

The proposal and subject property has been reviewed by the Department of Public Works Engineer David L. Thomas and the Office of Planning's Bill Hughey and Karin Brown. The file contains the agencies comments indicating that they have no objection to either the requested floodplain waiver or the alterations to the rear of the home not seen from the street. Both departments recommended approval. Thus, I find the requested relief is the minimal necessary, considering the flood hazard, and will not increase flood heights or impact public safety or conflict with existing local and state laws.

Turning next to the variance request to reconstruct the German overshot style barn on what is known as the "Jacob Gorsuch (Miller)" historical property, I shall grant this request as well. The property is unique, and as mentioned earlier bisected by Gorsuch Mill Road. A circa 1930's photograph (Petitioners' Exhibit 5) shows the subject barn, its style and location on the property. The Petitioners wish to reconstruct the barn on its foundation with matching roof pitch, board and batten siding materials and metal roof consistent with the period and their home. Currently, regulations would prohibit the front-yard placement of such an accessory structure. As noted, Bill Hughey and Karin Brown, the historic planner for the Office of Planning, are in agreement with the placement and architectural structure as depicted on Petitioners' Exhibit 6. Caren Hoffberger, Head of Preservation Services, Office of Planning, informed me that the proposed bank barn is compatible in design and massing with the historic styles and that the Landmarks Preservation Commission review would not be necessary. Granting of the height variance, in addition to the above, will provide Petitioners with missing storage space inherent with historical style homes.

Based upon the testimony and evidence offered, I am persuaded that the Petitioners have met the requirements set out in Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections 32-8-301 and 32-4-414 of the Baltimore County Code for waiver relief to the granted. I find that a grant of the relief will not adversely impact the floodplain and that a denial of the requests would result in a hardship upon the applicant. In sum, I find that the grant of relief is appropriate in this instance.

OnDER RECEIVED FOR FILING
Date 10-30-00
By State 10-30-00

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30 day of October 2006 that the Petition for Special Hearing seeking approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 311.20 of the Baltimore County Building Code; and Sections 32-4-414, 32-4-107(a)(2) and 32-8-301 of the Baltimore County Code (B.C.C.), to permit construction of a building addition in a riverine floodplain to a structure identified as (MHT) #BA-557 on the County Register, in accordance with Petitioners' Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, pursuant to Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations, (B.C.Z.R.), to permit a detached accessory structure (barn) to be rebuilt in the front yard in lieu of the rear yard with a height of 25 feet in lieu of the permitted 15 feet, in accordance with Petitioners' Exhibits 1 and 6, be and is hereby GRANTED, subject to the following restriction:

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.

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

WJW:dlw

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County



JAMES T. SMITH, JR. County Executive

October 30, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Lawrence E. Collins
Susan E. Collins
16710 Gorsuch Mill Road
Upperco, Maryland 21155

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE N & S/S Gorsuch Mill Road, N Corner Falls Road (16710 Gorsuch Mill Road) 5th Election District – 3rd Council District Lawrence E. Collins, et ux - Petitioners Case No. 07-086-SPHA

Dear Mr. & Mrs. Collins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Office of Planning; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16710 Gorsoch Mill Rd., Upperco which is presently zoned RC2

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 hereof, hereby petition for a Variance from Section(s)	ribed in the description and plat attached hereto and made a particle of the community of t
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of the Zoning Regulations of Baltimore County, to the zoning la	w of Baltimore County, for the following reasons: (indicate hardshi
or practical difficulty) TO REPRODUCE THE HO	STORICAL LAYOUT OF THE PROPERTY
GORSULH (MILLER): REC	ONSTRUCT & RANK RADI I THE
LOCKIPON AS DRIGINAL/	EXISTING FOUNDATION TO BE 25' HIGH FO
Property is to be posted and advertised as prescribed by the zone in the last section of the section of the last section of th	osting, etc. and further agree to and are to be bounded by the zonin
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	lo solemnly declare and affirm, under the penalties of e are the legal owner(s) of the property which tion.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
,	LAWRENCE COLLINS
Name - Type or Print	Name Type or Print
Signature	Signature
	9USAN COLLINS
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature (3605)
Attorney For Petitioner:	Signature 410-547.3605 (w) 16710 GORSVCH MILL RD. 410-374-5646 (1)
THE THE TAX TO THE TAX	Address Telephone No.
Name - Type or Print	UPPERCO MD ZIISS City State Zip Code
Signature	Representative to be Contacted:
Company	LAWRENCE COLLINS
<u>الو</u>	SAME AS ABOVE
Address Telephone No.	Address Telephone No.
City(\forall) Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 07-086- SPHA.	ESTIMATED LENGTH OF HEARING
	UNAVAILABLE FOR HEARING
Reviewed By	800-) Date <u>OR-79-</u>



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 167/0	GORSVCH MILL RD.
	ntly zoned RCZ

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A WAIVER PURSUANT TO SECTION 500.6 BCZR, SECTION 3112.0 BUILDING CODE; AND SECTIONS 32-4-414, 32-4-107. (a)(2), 32-8-301 BCC TO PERMIT AN ADDITION IN A RNERINE FLOODPLAIN.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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.

	-		perjury, that lais the subject	we are the legal own of this Petition.	er(s) of the property which
	Contract Purchaser/Lessee	£	<u>Legal Own</u>	er(s):	•
	Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	LAWREX Name - Type of		WINS JR.
			Just 1	<u> </u>	<u> </u>
	Signature		Sighature	COLLINS	,
	Address	Telephone No.			· · · · · · · · · · · · · · · · · · ·
	City	State Zip Code			····
	Attorney For Petitioner:	•	16710 (7 Address	ORSUCH MILL	KD. 410-374-5640 Telephone No.
	·		UPPERCO	MD	21155
	Name - Type or Print		City		State Zip Code
			Represent	ative to be Conta	acted:
	Signature		LAWREN	COLLINS	•
(5	Company	<u> </u>	Name		(w) 4(1.547.30)5
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30	Case No	SPH-A	UNAVAILA	BLE FOR HEARIN	16
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ZONING DESCRIPTION FOR 16710 GORSUCH MILL ROAD, UPPERCO, MARYLAND 21155

Beginning at a point on the south side of Gorsuch Mill Road which is 20 feet wide at the distance of 364 feet east of the centerline of the nearest improved intersecting street Falls Road which is 30 feet wide. As recorded in Deed Liber 12174, Folio 245 as follows:

BEGINNING for the outlines of the First Parcel to include the same at a lime stone set up in the ground South of Gorsuch Mill Road at the end of the south forty-six and three-quarter degrees west eleven and six-tenths perches line in a deed from Carry Ann Jackson and others to Jacob S. Gorsuch, dated March 9, 1878, and recorded among the Land Records of Baltimore County in Liber WMI No. 130, folio 456, &c.; and running thence with said deed north thirty-four degrees three minutes west eighty-five and eight-tenths feet to a point in the south edge of Gorsuch Mill Road; thence with said road south sixteen degrees forty-two minutes west two hundred sixty-four feet; thence south eighty-degrees twelve minutes west thirty-three feet to a point in the Falls Road; thence running with that road the two following lines, north fourteen degrees forty-eight minutes west three hundred seventy-nine feet, north twenty-four degrees forty-eight minutes west four hundred ninety-five feet to a point on the east side of said Falls Road; thence north nineteen degrees fifty-seven minutes east one hundred eighty-two feet to a stone set up on the west side of the Black Rock Run, continuing the same course, north nineteen degrees fifty-seven minutes east sixteen feet to a point in said Run; thence south eighty-six degrees thirty minutes east one hundred forty-seven feet to a stone, south eighty-five and onequarter degrees east sixty-three feet to a stone, south thirty degrees eighteen minutes east seven hundred forty-two feet to a stone on the east side of Gorsuch Mill Road; thence south forty-nine degrees thirty-three minutes west one hundred ninety-one and four-tenths feet to the place of beginning, containing five acres and three hundred thirty-eight one thousandths of an acre of land, more or less. As surveyed April 31, 1934 by H.S. Morfoot, Surveyor.

5 S28 ZINING UFRIFICATION Baltimore County, maryland 5/25/2004 15:26:46 CASHIER'S VALIDATION 8/22/3006 WALKIN KNOW KXN ACTION. NR CEIPT # 902014 ö Respt Tot 11.00.001 See 3000 5/29/24IDA MEDIMESS REC WOM · 经 选 juion ∏ein∔ 9865 Š YELLOW - CUSTOMER 43 AMOUNT. ACCOUNT COUNTY, MARYLAND MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE PINK - AGENCY DISTRIBUTION WHITE - CASHIER BALTIMORE RECEIVED FROM: F099 DATE,

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	•	Date: 10-7-06
RE:	Petitioner/Develo	oner: Lawrence and Busan Colliers Closing: Wed, Oct 25, 2006 Under the penalties of perjury that the necessary sign(s) required spicuously on the property located at 16710 Gorsech Melli
	The sign(s) were	posted on loltoh (Month, Day, Year)
	TACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY LIFRE	(Signature of Sign Poster) J. (AWRENCE P.LSON (Printed Name of Sign Poster) OLS Old Bankl (Street Address of Sign Poster) Parkton MD 2(120 (City, State, Zip Code of Sign Poster) 40-343-1443 (Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

OTICE 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: # 07-086-SPHA

16710 Gorsuch Mill Road
North and s/side of Gorsuch Mill Road at north corner of Falls Road
Stalls Road

SEMAN, III WILLIAM J. WI

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

112305 JT 10/659 Oct

OF PUBLICATION

10112 Judge

that the annexed advertisement was published successive weeks, the first publication appearing paper published in Baltimore County, Md., in the following weekly newsp THIS IS TO CERTIFY once in each of

The Jeffersonian

- Arbutus Times
- Times Catonsville
- Towson Times
- imes Owings Mills T
- North County News

NE Booster/Reporter

Weller Son

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
16710 Gorsuch Mill Road; N & S/S
Gorsuch Mill Road, N corner Falls Road
5th Election & 3rd Councilmanic Districts
Legal Owner(s): Lawrence & Susan Collins

BEFORE THE

ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

* 07-086-SPHA

ENTRY OF APPEARANCE

Petitioner(s)

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed Lawrence Collins, 16710 Gorsuch Mill Road, Upperco, MD 21155, Petitioner(s).

RECEIVED

0 8 2006

POF LANGERS

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 10, 2006 Issue - Jeffersonian

Please forward billing to:

Lawrence Collins 16710 Gorsuch Mill Road Upperco, MD 21155 410-374-5640

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: 07-086-SPHA

16710 Gorsuch Mill Road

North and s/side of Gorsuch Mill Road at north corner of Falls Road

5th Election District – 3rd Councilmanic District

Legal Owners: Lawrence & Susan Collins, Jr.

Special Hearing for a waiver pursuant to Section 500.6 BCZR, Section 3112.0 Building Code and Sections 32-4-414, 32-4-107 (a)(2), 32-8-301 BCC to permit an addition in a riverine floodplain. Variance to permit a detached accessory structure to be rebuilt in the front yard and 25 feet high in lieu of the rear yard and 15 feet high.

Hearing: Wednesday, October 25, 2006 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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

September 18, 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: 07-086-SPHA

16710 Gorsuch Mill Road

North and s/side of Gorsuch Mill Road at north corner of Falls Road

5th Election District – 3rd Councilmanic District

Legal Owners: Lawrence & Susan Collins, Jr.

Special Hearing for a waiver pursuant to Section 500.6 BCZR, Section 3112.0 Building Code and Sections 32-4-414, 32-4-107 (a)(2), 32-8-301 BCC to permit an addition in a riverine floodplain. <u>Variance</u> to permit a detached accessory structure to be rebuilt in the front yard and 25 feet high in lieu of the rear yard and 15 feet high.

Hearing: Wednesday, October 25, 2006 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lawrence & Susan Collins, 16710 Gorsuch Mill Road, Upperco 21155

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 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

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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 107-0	286-SPHA.
Petitioner Lawrence E. Collins.	r _c
Address or Location. 16710 Gorsuch M:	
PLEASE FORWARD ADVERTISING BILL TO	•
Name: Laurence E. Collins	
Address 16710 Gorsuch M:11 Rd.	Opperco, MD 21155
Telephone Number: 410 · 374 · 564# (#) 410.547.3005 (W.)



JAMES T. SMITH, JR. County Executive

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

October 18, 2006

Lawrence Collins Susan Collins 16710 Gorsuch Mill Road Upperco, MD 21155

Dear Mr. and Mrs. Collins:

RE: Case Number: 07-086-SPHA, 16710 Gorsuch Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 24, 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, Zening Review

W. Callali

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 11, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 11, 2006

Item Nos.07-071, 072, 073, 074, 075, 076, 077,

078, 085/086, 087, 090, 091 and 092

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- 09082006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:	Timothy M. Kotroco		
FROM:	Dave Lykens, DEPRM - Development Coordination JWL		
DATE:	September 13, 2006		
SUBJECT:	Zoning Item # 07-086-SPHA Address 16710 Gorsuch Mill Road (Collins Property)		
Zonir	ng Advisory Committee Meeting of September 4, 2006		
	Department of Environmental Protection and Resource Management has no nents on the above-referenced zoning item.		
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:		
<u>X</u>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 33-3-101 through 33-3-120 of the Baltimore County Code).		
	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).		
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).		
<u>Addit</u>	tional Comments:		

Date: September 12, 2006

J. Russo

Reviewer:

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director,

Permits & Development Management

ATTN:

Kristen Matthews

MS 1105

FROM:

Edward Adams, Director,

Public Works

DATE:

September 5, 2006

SUBJECT: Case No. 07-086-SPHA

Waiver to Permit Addition in Riverine Floodplain

16710 Gorsuch Mill Road

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The waiver involves placing an addition to an existing dwelling in the riverine floodplain. The petitioners have provided evidence that the addition is the minimum necessary to support installation of an elevator and handicap-accessible facilities for their daughter, a four-year-old child with disabilities. They have also provided documentation from a doctor confirming the disabilities.

This department recommends approval of the waiver as requested.

ECA/DLT/s

Attachments: Letter from petitioners; Letter from doctor dated June 28, 2006

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Dennis Kennedy, Chief, Development Plan Review Bureau

Krister place

Mr. David Thomas
Assistant to the Director
Public Works Department
County Office Building
111 W. Chesapeake Avenue, Rm. 307
Towson, MD 21204

We are writing this letter to request your assistance in obtaining a building permit for an addition to our home, located at 16710 Gorsuch Mill Road, Upperco, Maryland 21155. The primary purpose of the addition is to accommodate the physical and developmental disabilities of our daughter, Chloe, who will become 4 years old this coming September. The addition will include, among other things, an elevator and accessible bedroom/bathroom, all of which are necessary in order for us to continue to care for Chloe as she grows. The proposed addition will contain 2.5 floors on a 22' x 28' (approx.) footprint, and will replace a smaller, 2-story addition that measures 20' x 16'. Although not certain, it is our belief, based on a review of FEMA maps, the proximity of our house to Black Rock Run, and discussions with a land surveyor and environmental scientist, that the proposed addition would likely be located in Flood Zone A. We understand it is the preference of the County to limit construction within designated flood areas; however, given that the improvements are medically necessary, and considering other pertinent factors, it is our belief the County's permission to construct the proposed addition is both reasonable and justified.

Our daughter, Chloe, has significant physical and developmental disabilities related to an undiagnosed genetic disorder (see attached letter from Dr. Regina George). Although Chloe is still relatively small, it is getting increasingly difficult to transport her. She utilizes a wheelchair for transportation outside of our home; however, the wheelchair cannot be used inside our home due to the various levels which exist therein. As a result, Chloe must be carried up and down several flights of stairs whenever necessary to take her outside or to the first floor living areas we share as a family. While Chloe's small size has, to date, allowed us to accommodate her disabilities in this manner, it is evident that as Chloe continues to grow carrying her will ultimately become impossible. With this in mind we contacted an architect to find a suitable elevator location within our house, as well as to incorporate other handicapped accessible design features that would make continued care for her more reasonable.

After a careful review of our house's existing conditions, our architect concluded that simply adding an elevator was not feasible. Essentially, the layout of the house, which was constructed in three phases from 1870 to 1930, does not allow an elevator to serve enough areas to make it worthwhile. The only practical solution, they concluded, would be to replace an existing rear addition with a modestly larger addition, connecting the two most prominent portions of the house and giving Chloe access to nearly all areas of the home. Although the cost of constructing the addition is significantly greater than we had budgeted for this project, we are committed to caring for our daughter in our home, and,

therefore, accept the addition as the only reasonable long-term solution to the limitations imposed by our house's existing layout.

The proposed addition will contain 2.5 stories and measures approximately 22' x 28'. It will replace a smaller, 2-story addition that measures 20' x 16', and will encroach toward the flood plain an additional 12'+/- from the existing addition. It is important to note that even though the proposed addition will be closer to Black Rock Run than the addition it will replace, it will still be approximately 25' farther from the stream than the portion of the house constructed in 1930. Other important design considerations are as follows:

- the addition has been designed to be as small as functionally possible, as it only extends as far as necessary in order to incorporate the hallway that will lead to the elevator (Note: see related picture for location of proposed wall location and the relative distances between the existing addition, proposed addition and portion of the house closest to Black Rock Run);
- the proposed addition will add only 100+/- sq. ft. of floor area that will lie at the base level (i.e. the same level as the lowest existing floor elevation), with the remainder of the "lowest level" being elevated 5'+/- above the base level;
- in addition to the elevator, the design also incorporates accessibility specific features, such as increased turning radii, roll-in shower curb, wider door widths, etc., that will assist in Chloe's care;
- the proposed addition will contain a foyer extension, kitchen and mudroom on the first floor, and bedroom and bathroom on the second floor, and will replace an existing structure containing a kitchen, pantry and mudroom on the first floor, and bedroom, bathroom and office on the second floor essentially the same layout; and
- the proposed addition is mindful of the historical qualities of the existing structure, and will not alter the home's existing street view.

Certainly, the proposed addition is not being considered as a means by which we can increase the size and/or value of our home, but rather as the only reasonable solution we have found that will allow us to continue to care for our daughter, in our home, as she continues to grow.

Lastly, we recognize the County's flood plain policies are not simply to minimize flood related property damage, but also to safeguard its citizens from harm. After carefully considering the layout of the proposed addition in relation to the addition it would replace we can only conclude the proposed design is neutral to superior from a safety standpoint. Although the proposed addition will encroach into the flood plain further than that which it will replace, it will incorporate modern construction materials and standards that are superior to those in place when the existing improvements were constructed. This is especially evident in a modern foundation system as compared to the minimal depth, loosely stacked, stone foundation currently in place. Further, the proposed location of

Chloe's bedroom is on the second floor of the addition, which is the highest elevation in the house and well above any reasonable flood level. If, by some unlikely circumstance, there is a prospect that flood waters could rise to a level that would affect the proposed addition, the elevator would allow us to quickly remove Chloe from the house. If waters rose so quickly as to render the elevator unusable, we would be no worse off than we are currently, without an elevator. In fact, if we are unable to construct the proposed addition and its related elevator, we would be left with no other option than to move Chloe's bedroom to the current first floor living room, which would not only place her at the lowest level in the house, but also within that portion of the house which is closest to any potential flood activity.

We believe the addition we have proposed represents a reasonable accommodation to our daughter's medical needs and is mindful of the County's reluctance to allow construction in flood zones. The addition has been designed to be as small as functionally possible and places only 100+/- sq. ft. of hallway within the base level; the same level at which a significant portion of the existing dwelling already occupies. In fact, the existing dwelling has not experienced flooding during the last 10+ years it has been in our ownership and, from conversations with neighbors, was not damaged during Hurricane Agnes. That said, given our house's proximity to Black Rock Run we choose to carry flood insurance and would agree to continue to do so into the future. Further, we would agree to notify any future owners of our property that the house is located within a flood zone. We appreciate your time and consideration to this matter, and are available at the telephone numbers shown below should you have additional questions or concerns.

Respectfully,

Lawrence (Lee) & Susan Collins

Home:

410-374-5640

Lee work:

410-547-3005

Lee cell:

410-952-0235

Susan cell:

410-952-6833

Regina A. George, M.D., P.A.
54 Scott Adam Road
Suite 105
Cockeysville, MD 21030
410-666-2020
Fax: 410-666-3257

June 28, 2006

Re: Chloe Collins

To Whom It May Concern:

Chloe Collins has multiple congenital anomalies, chronic oxygen dependent pulmonary disease, tracheostomy, right hip displacement, hypertonia of extremities, and is globally delayed. Her rehabilitation prognosis is guarded and it is expected that she will be wheel chair bound her entire life.

It is strongly recommended that an elevator be installed in her home since she does not reside in a single level home.

Sincerely/

Regina A. George, M.D.

Ju- (0/32

.:,

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

16710 Gorsuch Mill Road

LECEIVED

DATE: September 14, 2006

INFORMATION:

Item Number:

7-056 086

SEP 1 8 2006

TANG COMMISSIONER

Petitioner:

Lawrence Collins

Zoning:

RC 2

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject structure. It is included on the County Register (MHT) # BA-557. A note should be added on the development plan that acknowledges this listing. The addition and rebuilt barn should be compatible in design, massing and materials to the existing structure. Accordingly, the petitioner should submit elevation drawings of the new structures to the Office of Planning for review and approval.

For further information concerning the matters stated here in, please contact Bill Hughey or Karin Brown at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9/7/2006

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

RE:

Baltimore County

Item No. 086

GORSUCH MILL RD. PROPERTY VARIANCE 7-86-5AHA

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 086

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

Lee Collins

From:

Vicki Nevy [vnevy@co.ba.md.us]

Sent:

Tuesday, August 15, 2006 3:59 PM

To:

lee.collins@abrealty.com Caren Hoffberger

Cc: Subject:

Re: 16710 Gorsuch Mill Road

Mr. Collins,

It is my understanding you are planning to remove a wood frame, two-story ell (approximately 16x20) currently on the rear of this home and replace it with a new addition which will be approximately 29x22 and approximately in the same location. As long as the plans do not alter the original stone building and the two-story stone and wood frame addition to the side (as seen from the street), we will not take the project to the Landmarks Preservation Commission for review.

Please do not hesitate to contact our office if you have further questions.

>>> "Lee Collins" <lee.collins@abrealty.com> 08/15/06 1:49 PM >>> Vicky -

Attached is a letter sent to Dave Thomas (DPW) and additional support for the proposed addition to our home. Contact me if you have any questions.

Thanks for all of your help.

Lee Collins

Asset Manager

Alex. Brown Realty, Inc.

410-727-4083 (main)

410-547-3005 (direct)

410-625-2694 (fax)

lee.collins@abrealty.com

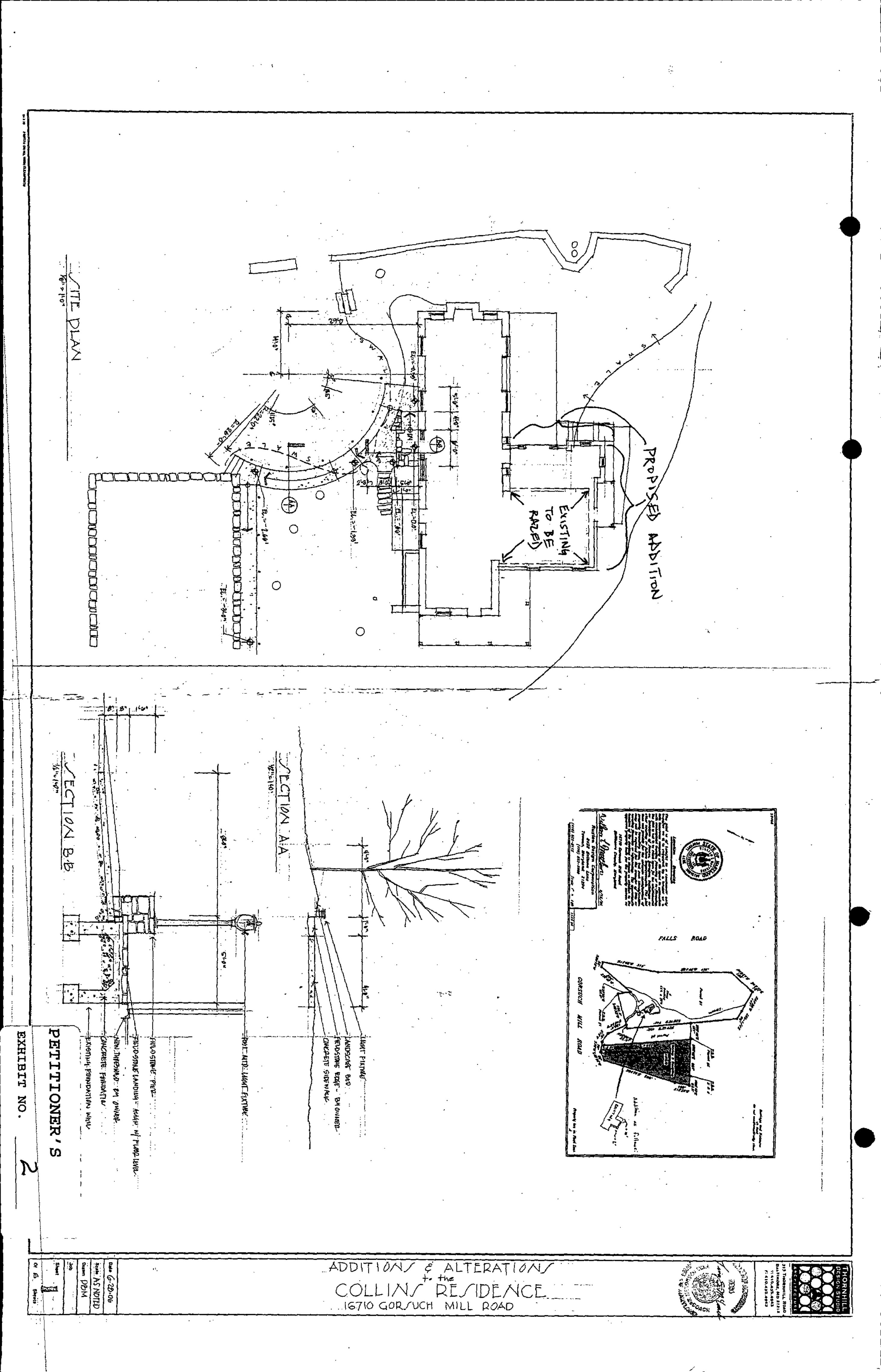
Case No.: 07-086 SPHA 16710 GORSUCH Mill BD

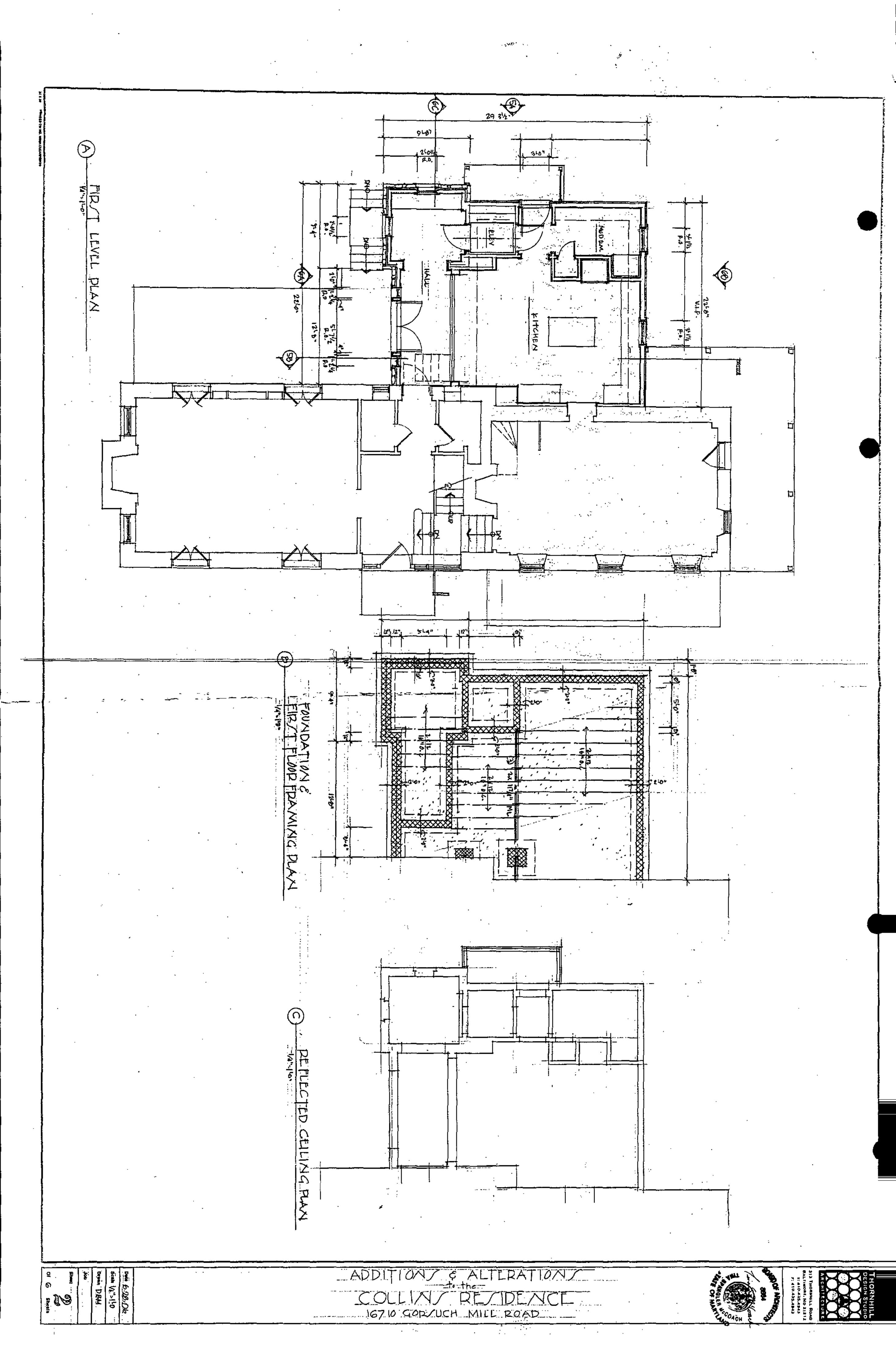
Exhibit Sheet

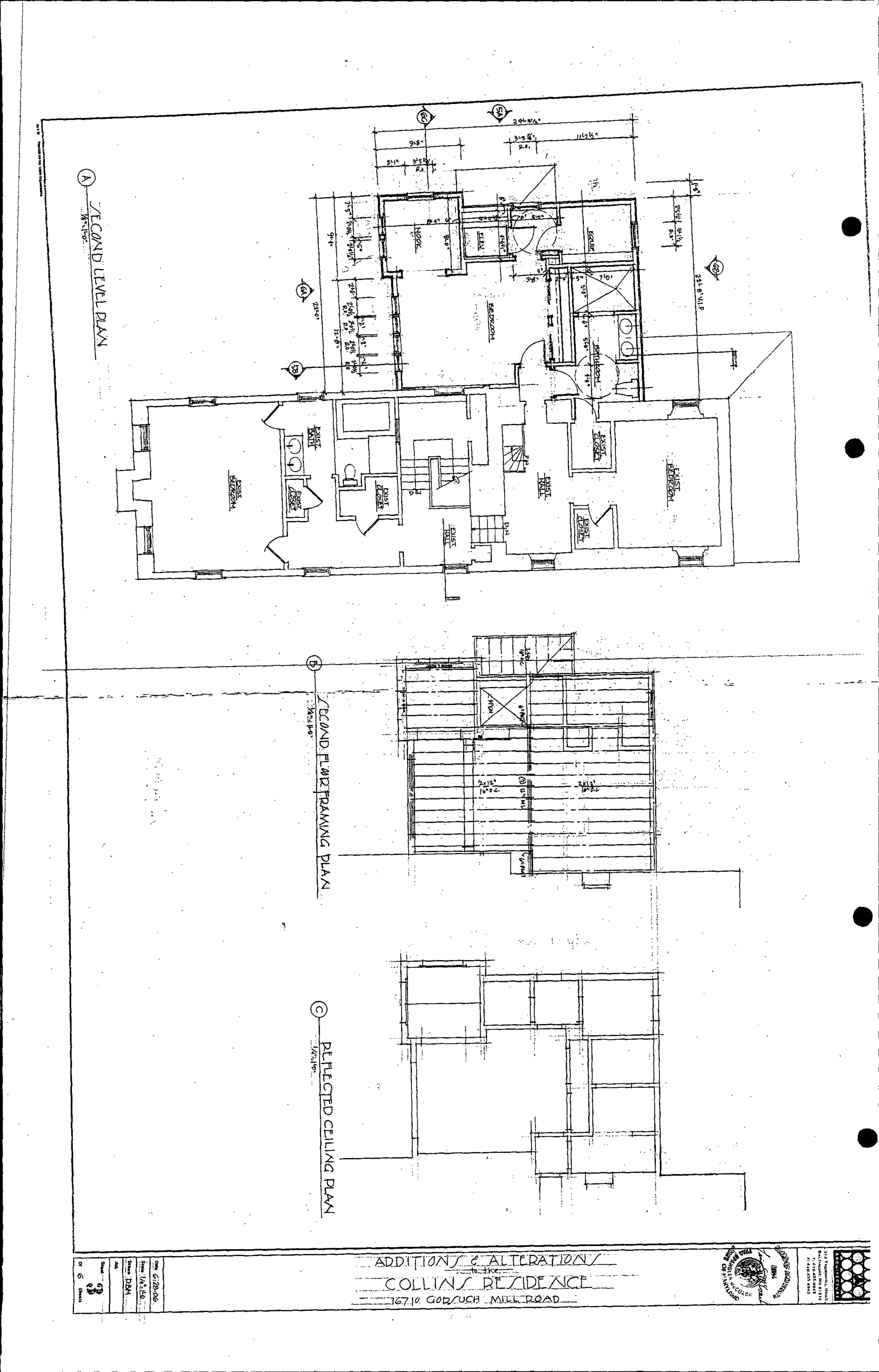
Petitioner/Developer

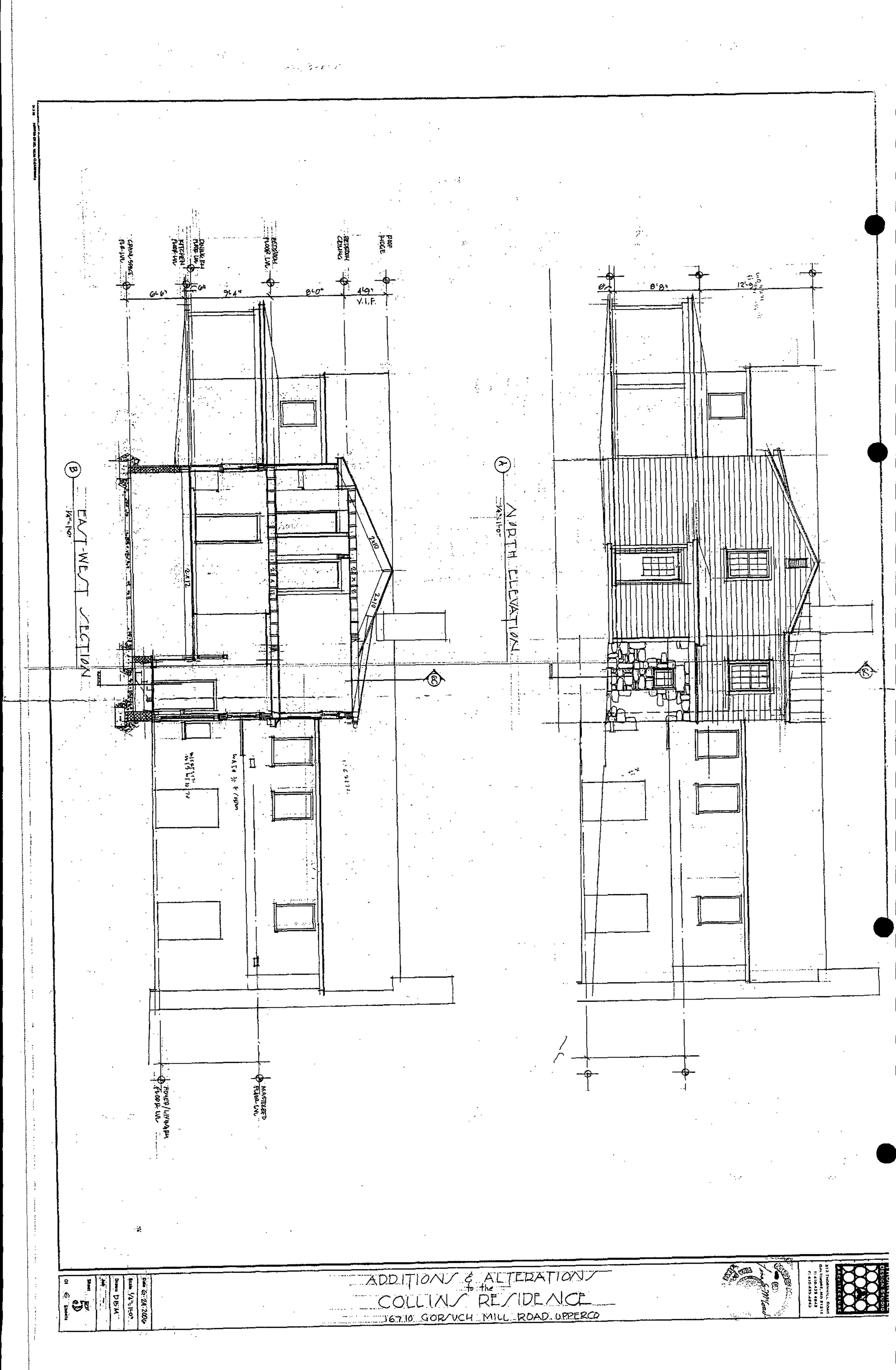
Protestant

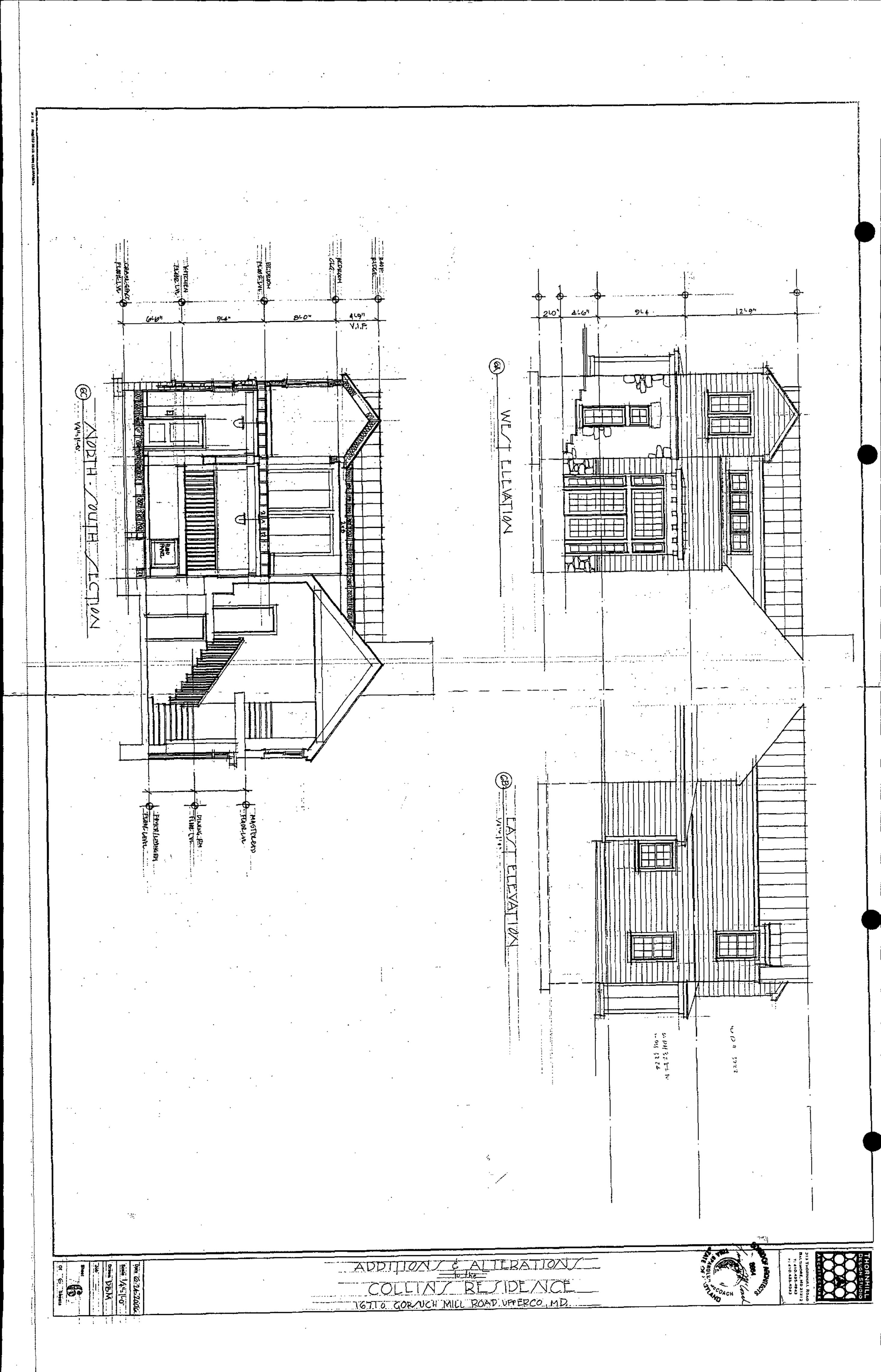
No. 1	SITE PLAN	
No. 2	ELEVATIONS FOR ADDITION	
No. 3	Letters OF SUPPORT	
No. 4	PHOTOGRAPHS Existing Conditions	
No. 5	PHOTO - VINTAGE 1930 5 HOWS BARN to BE REPLACED	
No. 6	BARN ELENATION DRAWLINGS	
No. 7		
No. 8		
No. 9		
No. 10	-	
No. 11		<u>-</u>
No. 12		











Re: 16710 Gorsuch Mill Road Upperco, MD 21155

To whom it may concern:

I am aware of a request by my neighbors, Lawrence and Susan Collins, to construct an addition to their home and replace a barn that was formerly located on a lot in front of their property. I have discussed the scope of these projects with the Collins' and have been provided all information necessary to fully consider them. Please allow this letter to confirm my support for granting the required waivers/variances necessary for the aforementioned addition and barn construction to occur.

Sincerely,

Signature	Jakreera T. Dake Date
Name	Paniel + Patricia Baker
Address	16737 Gorsuch Mill Rel
	Upperco, MD 2-1155

PETITIONER'S

EXHIBIT NO.

3

Re:

16710 Gorsuch Mill Road Upperco, MD 21155

To whom it may concern:

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Sincerely,

Name

Address

Re: 16710 Gorsuch Mill Road Upperco, MD 21155

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Sincerely,

Signature

Name

CAROL S. WARNER

Address

16815 FALLS RD (1885 RD 21155 Re: 16710 Gorsuch Mill Road

Upperco, MD 21155

To whom it may concern:

I am aware of a request by my neighbors, Lawrence and Susan Collins, to construct an addition to their home and replace a barn that was formerly located on a lot in front of their property. I have discussed the scope of these projects with the Collins' and have been provided all information necessary to fully consider them. Please allow this letter to confirm my support for granting the required waivers/variances necessary for the aforementioned addition and barn construction to occur.

Sincerely,

Signature

Date

Name

VIVIAN J SEABREASE

Address

4PPERCO, MD 21155

Re: 16710 Gorsuch Mill Road Upperco, MD 21155

To whom it may concern:

I am aware of a request by my neighbors, Lawrence and Susan Collins, to construct an addition to their home and replace a barn that was formerly located on a lot in front of their property. I have discussed the scope of these projects with the Collins' and have been provided all information necessary to fully consider them. Please allow this letter to confirm my support for granting the required waivers/variances necessary for the aforementioned addition and barn construction to occur.

Sincerely,

Name

Address

Date

Retar J. Coleman us

16758 Gorswell M.11Rd

Coperco 200 21155

PETITIONER'

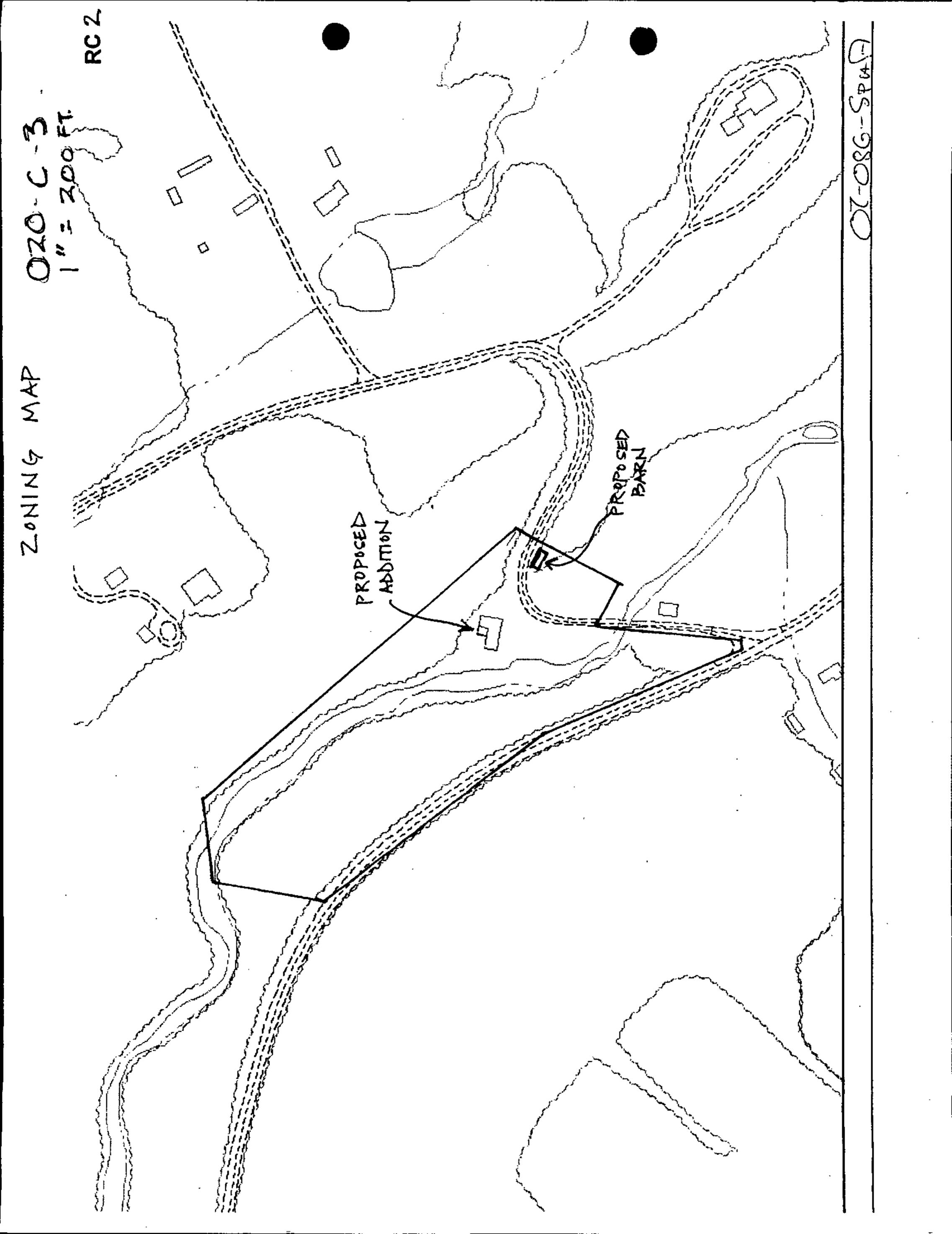
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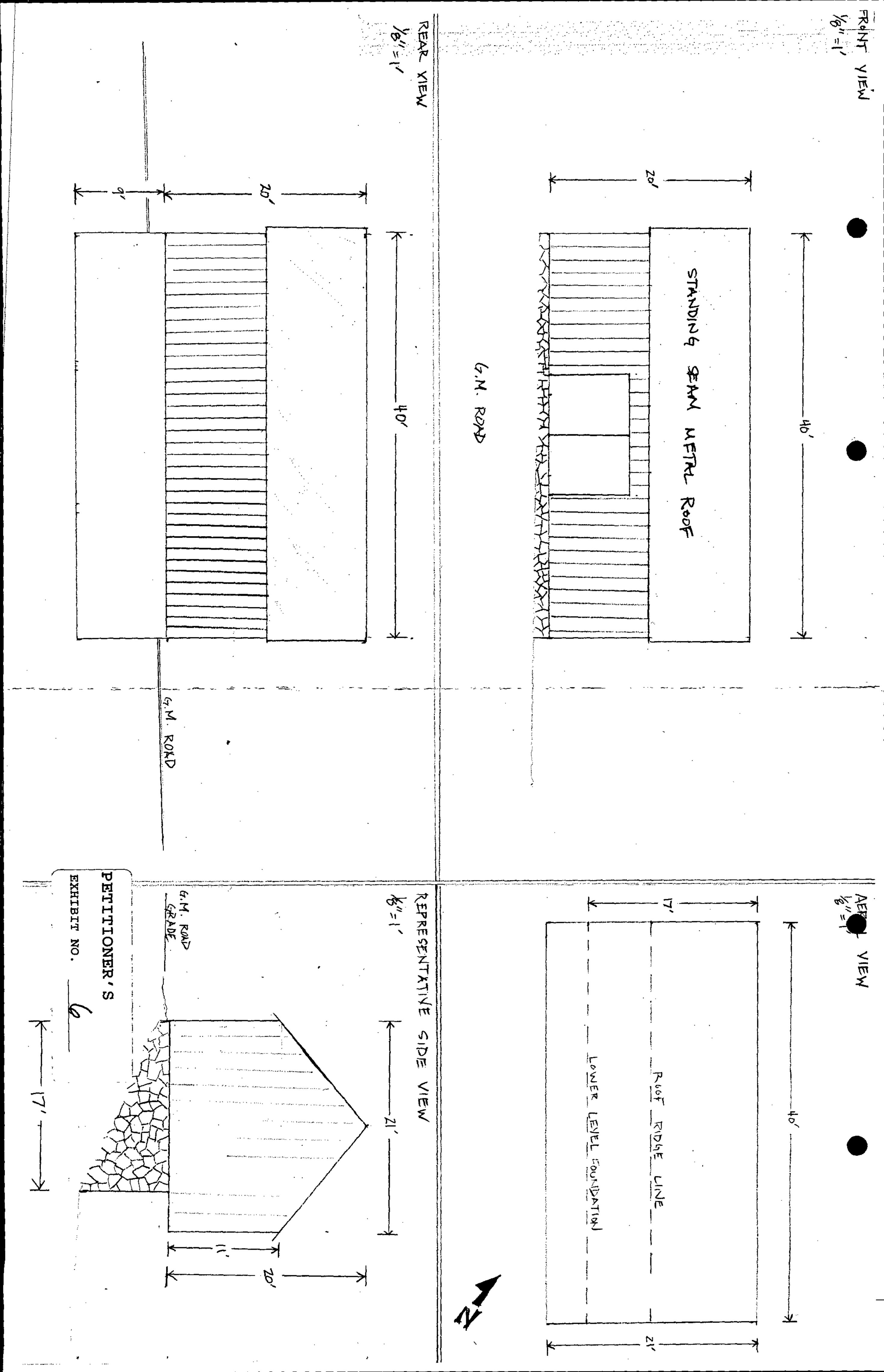
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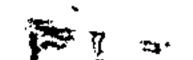
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3 thas , 980 .20







Click here for a plain text ADA compliant screen.



Go Back View Map New Search Ground Rent

Account Identifier:

District - 05 Account Number - 2300006002

Owner Information

Owner Name:

Mailing Address:

COLLINS LAWRENCE E

16710 GORSUCH MILL RD

UPPERCO MD 21155-9440

COLLINS SUSAN E

Use:

RESIDENTIAL

Principal Residence:

YES

Deed Reference:

1) /12174/ 245

2)

Location & Structure Information

Premises Address

16710 GORSUCH MILL RD RD

Legal Description

6,8189 AC

16710 GORSUCH MILL RD

500FT N OF FALLS RD

Map Grid Parcel Sub District Subdivision Section Block Lot Assessment Area Plat No:
20 23 57

Town
Special Tax Areas Ad Valorem
Tax Class

Primary Structure Built Enclosed Area Property Land Area County Use
1899 3,288 SF 6.82 AC 04

Stories Basement Type Exterior
2 NO STANDARD UNIT STONE

Value Information

Base	Value	Phase-in Ass	essments
Value	As Of	As Of	As Of
	01/01/2005	07/01/2006	07/01/2007
67,0 9 0	120,770		•
95,260	130,910		
162,350	251,680	221,902	251,680
0	0	0	0
	Value 67,090 95,260	ValueAs Of01/01/200567,090120,77095,260130,910162,350251,680	Value As Of As Of 01/01/2005 07/01/2006 67,090 120,770 95,260 130,910 162,350 251,680 221,902

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

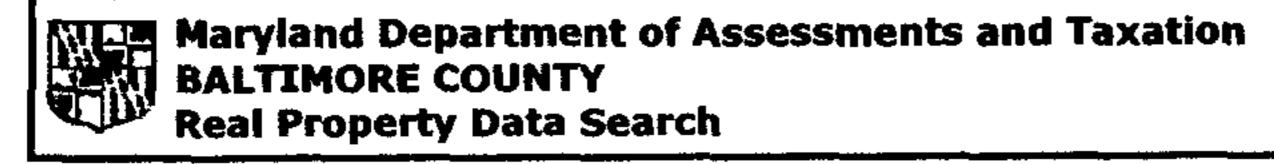
Exemption Information

Partial Exempt Assessments	Class 000 000 000	07/01/2006	07/01/2007
County		0	0
State		0	0
Municipal		0	0

Tax Exempt: Exempt Class: NO

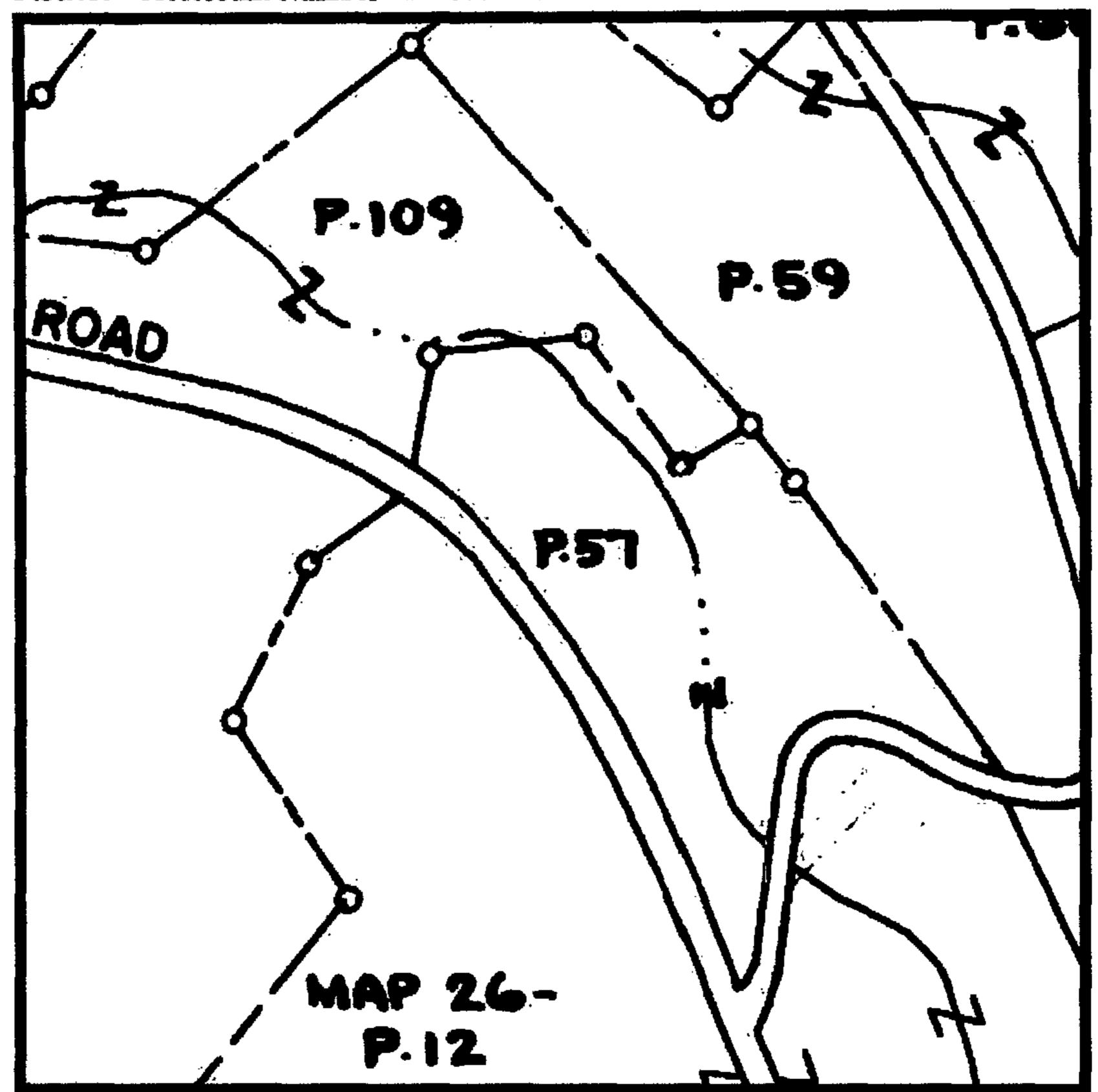
Special Tax Recapture:

* NONE *



Go Back View Map New Search

District - 05Account Number - 2300006002



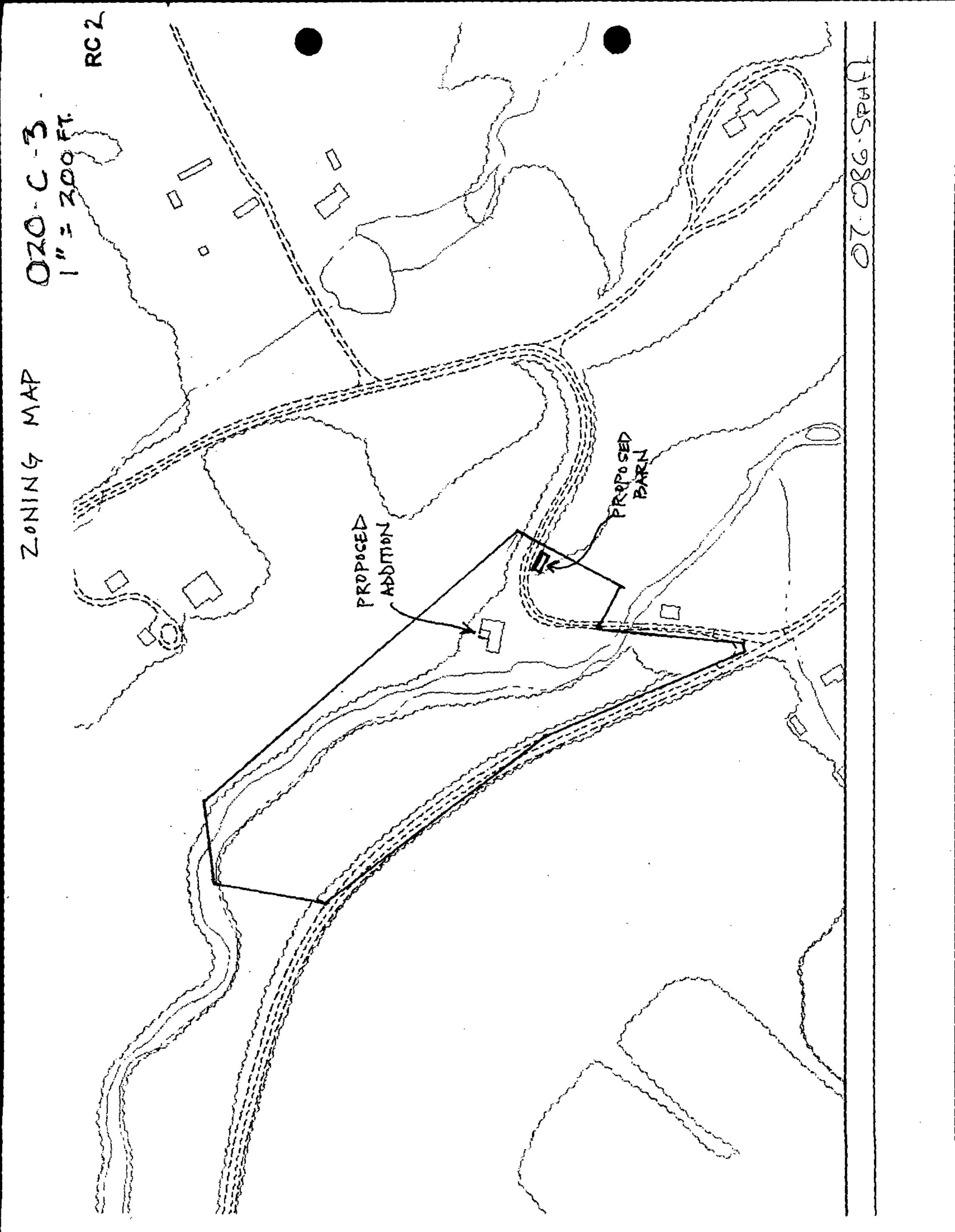
Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

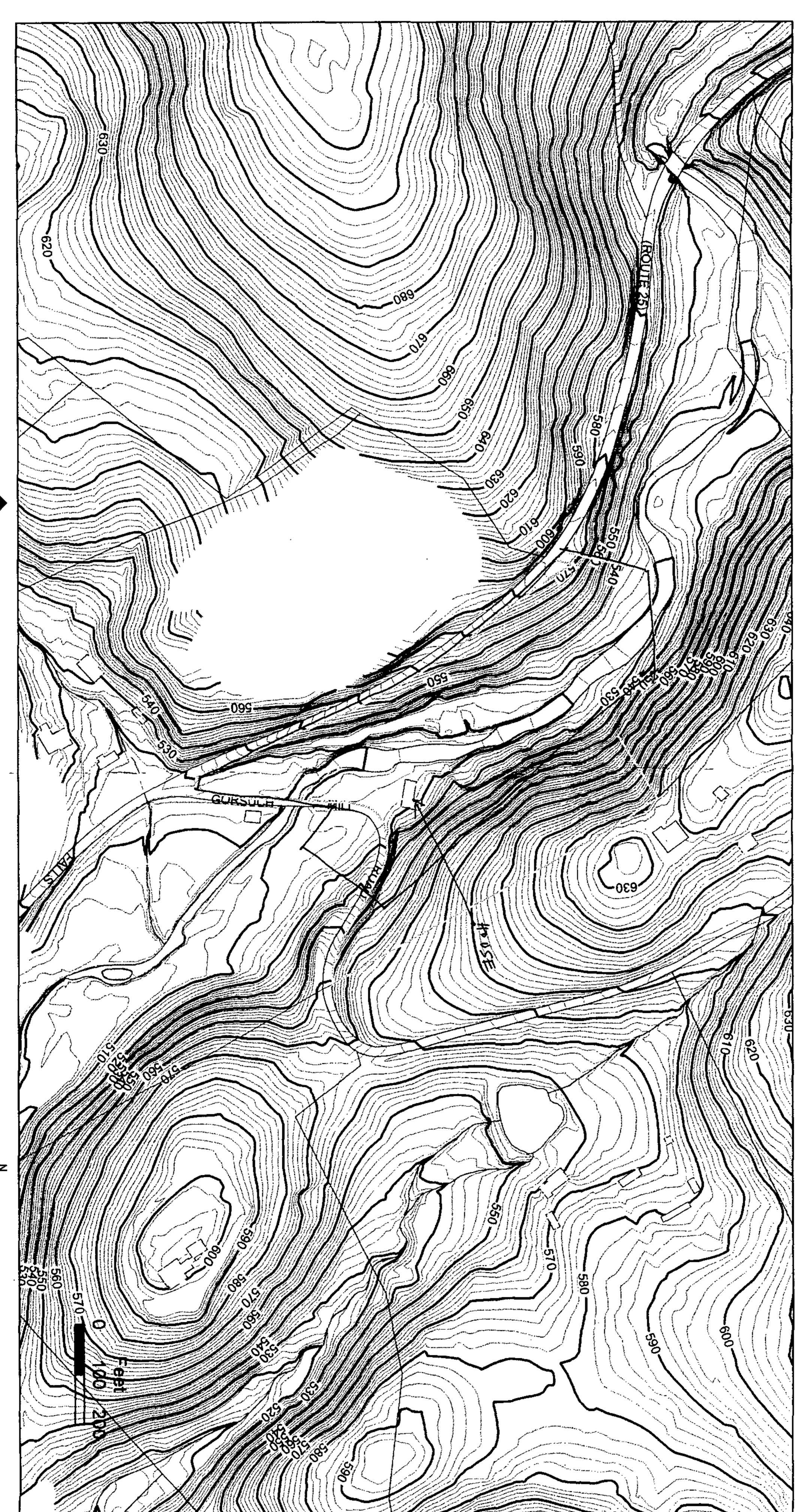
CASE NAME CASE NUMBER DATE 10/25/6

PETTIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
wrence & Sysan	Collins 16710 Gorsuch Mill Road	Paperco, MB 21155	garsuchmill@concast.net
-			







Coordinate System: Maryland State Plane: Elevations in Feet: NA\

NAD83/91

Horizontal Datum

Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1995

Scale of Data Capture: 1"= 100"

Date of Data Capture: March 1995
Scale of Data Capture: 1"= 100"

Date of Aerial Photography: March 2002

BALTIMORE COUNTY

The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. The survey information was not field checked and certified by a licensed land surveyor.



Baltimore County, MD
Department of Public Works
GIS Services

Prepared By: Ann Briggeman Date: May 12, 2006

086

MAS