IN RE: PETITION FOR VARIANCE
N side of Stumpfs Road, 1 mile
East of c/l of Ebenezer Road
15th Election District

15th Election District 6th Councilmanic District (1220 Stumpfs Road)

Robert W. and Helen J. Edwards,
Catherine B. Edwards and
Matthew D. Edwards

Petitioners

Thomas Bleakley

Contract Purchaser

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-225-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Robert W. and Helen J. Edwards, Catherine B. Edwards and Matthew D. Edwards. The Petitioners are requesting variance relief for property located at 1220 Stumpfs Road. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 7 feet each for a proposed dwelling on a lot with an existing dwelling (to be razed) in lieu of the required 35 feet.

The property was posted with Notice of Hearing on December 2, 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 December 5, 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

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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, off-street 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: ZAC comment letter was received from the Office of Planning dated December 5, 2006 which contains restrictions. Planning recommends that the Petitioners redesign the proposed home to respect an overall width of 30 feet allowing for 10 foot side yard setbacks on both sides. ZAC comments were received from the Bureau of Development Plans Review dated November 28, 2006 which contains restrictions. Finally ZAC comments were received after the hearing although dated December 19, 2006 from DEPRM. Copies of all comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request was Thomas Bleakley, the Contract Purchaser. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 9850 square feet zoned RC 2 and is improved by an existing single family dwelling as shown on Petitioner's exhibit 1. The existing home is a small waterfront

cottage on the Bird River shown on Petitioner's exhibit 2C which the Petitioner would like to replace with a more modern home. The Petitioner noted that the subject property is lot 10 of the Bird River View subdivision which was recorded among the land records in 1927 as shown by the Plat of the subdivision of the property of Henry Stump, exhibit 3.

Mr. Bleakley indicated that he owned the property next door at 1222 Stumps Road, that he had experienced health problems and wanted to reduce his responsibilities for maintenance of this existing home and property. Consequently he contracted to sell his property to the Cole family and further contracted to purchase the house next door, the subject property, from the Edwards family.

Exhibit 1 shows the property is served by private water and sewer systems. DEPRM comments had not yet arrived in the file at the time of the hearing. Mr. Bleakley indicated that he had been working with DEPRM in regard to the septic system, that a representative of that Department visited the site, a new septic tank was recently installed, perc tests were successfully performed and a boundary survey of the property was in process at the time of the hearing. He opined that based on his experience to date DEPRM would approve his plans for the new house.

In regard to the Planning Office comments which requested 10 foot side yard setbacks, Mr. Bleakley indicated that if required this would reduce the width of the new house to 30 feet, that he already contracted for a house 35 feet wide, and that the existing house is only 7 feet from the property line. He noted that the property owners to the west, the Terry's, sent a letter in the file that they did not object to the 7 foot setback. He also presented a similar letter of support from the contract purchasers of his present home at 1222 Stumps Road again supporting a 7 foot side yard setback. He presented photographs of every house on this portion of Stumps Road which show that many properties have less than 7 feet side yard setback. See photographs 2A through 2L.

1-SOVER

The undersigned explained that the Planning Office request for 10 feet on each side of a new home was customary for waterfront properties so as to provide enough room for emergency vehicles and equipment to gain access to the water in case of emergency. As one example there is no public water or sewer in this area and it may be important for the Fire Department to access the water in case of fire.

In response he noted that as shown on exhibit 1, there is 29 feet to the Terry's house to the west and 15 feet to his house to the east which he opined would be more than adequate for emergency access to the water. He also noted that he asked County officials about the side yard setbacks required and everyone assured him that if he met the existing side yard setback his variance request would be approved. Subsequent to the hearing he presented photographs of new homes on Bird River which had less 10 feet side yard setback and additional argument that he needed the requested 7 foot variance.

Findings of Fact and Conclusions of Law

Although the ZAC comments from DEPRM had not arrived by the time of the hearing, having reviewed them afterward I find them to be the expected comments for waterfront properties with private water and sewer systems. Also the Petitioner seems to have been working closely with DEPRM. Therefore I will incorporate the comments as presented.

My concern in raising the 10 foot side yard setback was and is for the Petitioner's safety. There is no public water, no fire hydrants in this area and, if a fire were to begin, emergency equipment might need the full 10 feet to gain access to the water. Mr. Bleakley responded that he already contracted for the 35 foot wide home, that other new homes on the River were allowed less than 10 feet side yard setback and he should not be treated differently. As I mentioned at the hearing, there is no place in the regulations I can point to that requires a 10 foot side yard setback.

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In fact the required setback is 50 feet. No one can possibly meet 50 feet setback on lots that measure 50 feet. Yet there are good reasons that 10 feet should apply even if a variance is granted Considering his continued insistence on the 7 foot setback I will grant the requested variances. I can understand his position but I hope the day never comes when he regrets not providing the full 10 feet access for emergency vehicles. Considering the safety of families and investment in the new home, many waterfront residents design for the full setback distance.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This lot was created much before zoning regulations were imposed on this property. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. Therefore I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioners can not possibly meet the 50 foot setback on this 50 foot wide lot. I also find this variance is not self imposed. There is only 15 feet to his present home at 1222. No lot line adjustment would avoid the need for a variance.

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. I accept his explanation that the setback will not adversely affect his or his neighbors safety with caveats above.

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 ______ day of January, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 7 feet each for a proposed dwelling on a lot with an existing dwelling (to be razed) in lieu of the required 35 feet is hereby GRANTED with the following conditions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition. The Petitioner's accepted the condition of approval that they could not obtain a building permit until the public sewer line was operational at their property.
- 2. The base flood elevation for this site is10.2 feet Baltimore County Datum.
- 3. The flood protection elevation for this site is 11.2 feet.
- 4. 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.
- 5. 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.
- 6. The building engineer shall require a permit for this project.
- 7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 8. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County
- 9. 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).
- 10. The site must comply with the impervious surface limits, forest/tree requirements, mitigation to include native tree planting and/or impervious removal, and all Buffer Management Area requirements.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

John V. Shurphy

FOR BALTIMORE COUNTY

WM:pz



JAMES T. SMITH, JR. County Executive

January 4, 2007

WILLIAM J. WISEMAN III Zoning Commissioner

ROBERT W. AND HELEN J. EDWARDS, CATHERINE B. EDWARDS AND MATTHEW D. EDWARDS 1943 DENBURY DRIVE **BALTIMORE MD 21222-4602**

> Re: Petition for Variance Case No. 07-225-A

Property: 1220 Stumpfs Road

Dear Mr. and Mrs. Edwards, Ms. Edwards and Mr. Edwards:

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

John V. Murphry

Enclosure

Thomas P. Bleakley, 1222 Stumpfs Road, Baltimore MD 21220



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1220 STUMPES RD.

which is presently zoned $R \subset Z$

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

see attached

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

to be presented at the hearing

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

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

			is the subject of this retition.	
Contract Purchaser	<u>/Lessee:</u>		<u>Legal Owner(s):</u>	
THOMAS P.	BLEAKLEY		ROBERT W. ED	WARDS
Name Type or Print	South	10-27-06	Type or Print Rolinst W. Colus	and > 11/11/0
Signature	W 6443.	557-1006 EYI	3g Signature イモレモル J. ED 1	WARDS
1222 STUMPF	3 K B 4/0.	335 7660-从M Telephone No.	Name - Type or Print	
Address		relephone No.	Helan Idawardo	e 1411/06
City	State	Zip Code	Signature //	• •
Attorney For Petitio	ner:		1943 DENBURY DR 410	1-285-1605
	_		Address	Telephone No.
A	1 A		BALTIMORE MD 218	222-4602
Name - Type or Print		City	State	Zip Code
			Representative to be Contacted:	
Signature			······································	
			$\mathcal{M}A$	
Company			Name	
Address		Telephone No.	Address	Telephone No.
<u> </u>	Chata	Zip Code	City	Zip Code
City	State	Zip Code		Zip Oodo
			OFFICE USE ONLY	
			ESTIMATED LENGTH OF HEARING	_
Case No	225 - A		<u></u>	
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WEN ARCENED	fur films		ED FOR ADDITIONAL	
1501	586	E ATTACHE		
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		LEGAL	OWNERS	

# Additional owners of 1220 Stumpfs Rd

## Catherine B. Edwards

2000 Ormand Rd. Baltimore, Md. 21222

Atternie B. Edwards 11-11-06 Signature Date

# Matthew D. Edwards

403 Elmwood Ave. Baltimore, Md. 21206 410-668-9402

Personal Representative of the Estate of

J. Romaine Edwards Letter of Administration attached

1A01.3.B.3 to permit side yard setbacks of 7 ft. each for a proposed dwelling on a lot with an existing dwelling (to be razed) in lieu of the required 35 feet.

# Zoning Description

1220 Stumpfs Rd Middle River, Md. 21220

The subject property, 1220 Stumpfs Rd, is located at the beginning point on the north side of Stumpfs Rd, which is 16 feet wide at the distance of 1 mile east of the centerline of the nearest improved intersection street Ebenezer Rd, which is 20 feet wide. The property is known as Lot #10, as recorded in Baltimore County Plat Book #8, Folio 84, containing 9,850 SF. Also, it is known as 1220 Stumpfs Rd, and located in the 15th Election District, 6th Councilmanic District.

Submitted by: Thomas P. Bleakley 1222 Stumpfs Rd Middle River, Md 21220 410-335-7660 – home 443-557-1006 ext 138 work

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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: #07-225-A

1220 Stumpfs Road

N/side of Stumpfs Road, 1 mile east of centerline of Ebenezer Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Robert & Helen Edwards, Catherine

Edwards & Matthew Edwards

Contract Purchaser: Thomas Bleakley

Variance: to permit side yard setbacks of 7 feet each for a proposed dwelling on a lot with an existing dwelling (to

be razed) in lieu of the required 35 feet.

Hearing: Tuesday, December 19, 2006 at 2:00 p.m. In Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

**Zoning Commissioner for Baltimore County** 

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 12/618 Dec. 5 118163

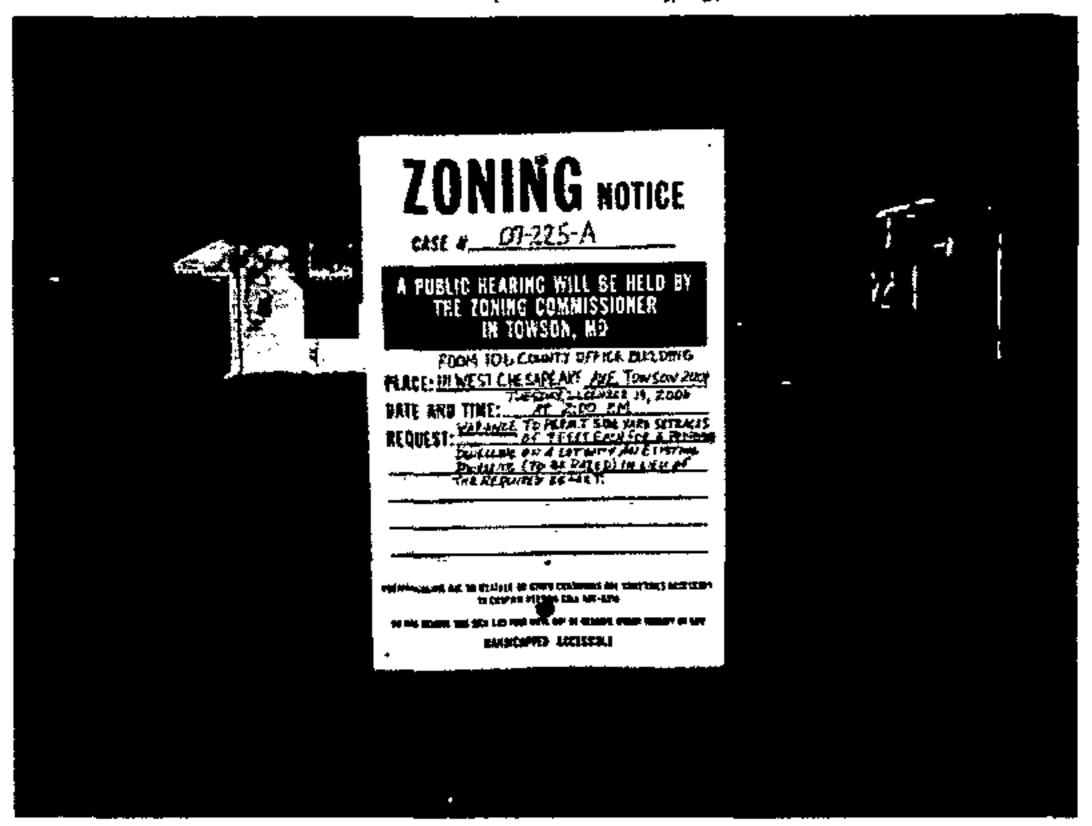
## CERTIFICATE OF PUBLICATION

12/7,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $125$ _,2006.
on $125$ ,2006.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
J. Wilking

# CERTIFICATE OF POSTING

	RE: Case No: <u>01-225-</u> A
	Petitioner/Developer: IHOMAS  BLEAKLEY
	Date Of Hearing/Closing: 12/19/26
Baltimore County Department of Permits and Development Manage County Office Building, Room 11 111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poster	enalties of perjury that the necessary d conspicuously on the property
This sign(s) were posted on <u>Jec</u>	Month, Day, Year) Sincerely,
. (5	Signature of sign Poster and Date)  Martin Ogle
	Sign Poster  16 Salix Court  Address  Polto, Md 21220
	Balto. Md 21220 (443-629 3411)

im000876 (576x432x24b jpeg)



Martin Pole 12/2/06

RE: PETITION FOR VARIANCE * BEFORE THE

1220 Stumps Road; N/S Stumpfs Rd

1 mile E c/line Ebenezer Road * ZONING COMMISSIONER

15th Election & 6th Councilmanic Districts

Legal Owner(s): Robert, Helen, Catherine * FOR

& Matthew Edwards

Contract Purchaser(s): Thomas Bleakley * BALTIMORE COUNTY

Petitioner(s)

* 07-225-A

### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/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 20th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Robert & Helen Edwards, 1943 Denbury Drive, Baltimore, MD 21222, Petitioner(s).

RECEIVED NOV 2 0 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Jimmenman)

Per.....

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 5, 2006 Issue - Jeffersonian

Please forward billing to:

Tom Bleakley 1222 Stumpfs Road Baltimore, MD 21220 410-335-7660

### **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: 07-225-A

1220 Stumpfs Road

N/side of Stumpfs Road, 1 mile east of centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert & Helen Edwards, Catherine Edwards & Matthew Edwards

Contract Purchaser: Thomas Bleakley

Variance to permit side yard setbacks of 7 feet each for a proposed dwelling on a lot with an existing dwelling (to be razed) in lieu of the required 35 feet.

Hearing: Tuesday, December 19, 2006 at 2:00 p.m. in Room 106, County Office Building,

/111 West Chesapeake 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

## **ZONING REVIEW**

### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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:
Petitioner: Tom BLEAKCEY
Address or Location: 1220 STUMPFS RD
PLEASE FORWARD ADVERTISING BILL TO:  Name: Tom Bleakley  Address: 1222 Stumpfs RD  BALTO Mod 21220
Telephone Number: 410 - 335 - 7660
Jan Been 10-23-06



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 14, 2006

Robert W. Edwards Helen J. Edwards 1943 Denbury Drive Baltimore, MD 21222-4602

Dear Mr. and Mrs. Edwards:

RE: Case Number: 07-225-A, 1220 Stumpfs Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 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. Call Rillal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel
Thomas P. Bleakley 1222 Stumpfs Road Middle River 21220
Catherine Edwards 2000 Ormand Road Baltimore 21222
Matthew Edwards 403 Elmwood Avenue Baltimore 21206

### Fire Department

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



## Baltimore County

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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 22,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2006

Item Number(s): 213 through 228



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



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** November 28, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For November 27, 2006

Item No. 07-225

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 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 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 07-225-11272006.doc

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



TO:		Timothy M. Kotroco		
FROM	· •	David Lykens, DEPRM - Development Coordination		
DATE	• •	December 19,	2006	
SUBJE	ECT:	Zoning Item Address	# 07-225A 1220 Stumpfs Road Edwards Property	
		•	nvironmental Protection and Resource Management has no ve-referenced zoning item.	
X		-	nvironmental Protection and Resource Management offers nts on the above-referenced zoning item:	
Protection of Water Quality, Streams, Wo		Protection of	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Section ugh 33-3-120 of the Baltimore County Code).	
		-	of this property must comply with the Forest Regulations (Sections 33-6-101 through 33-6-122 of the inty Code).	
	X	Critical Area I	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and , of the Baltimore County Code).	
	Additio	forest /tree rec	E: The site must comply with the impervious surface limits, quirements, mitigation to include native tree planting and/or moval, and all Buffer Management Area requirements.	

Date: December 05, 2006

Paul Dennis

Reviewer:



### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: December 5, 2006

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1220 Stumpfs Road

**INFORMATION:** 

Item Number:

7-225

Petitioner:

Robert W. Edwards

Zoning:

**DR 3.5** 

Requested Action:

Variances

#### SUMMARY OF RECOMMENDATIONS:

This Office of Planning has reviewed the subject request and has the following comments:

The Office of Planning has a policy of allowing thirty-foot wide homes on the fifty-foot wide lots that are found along much of the waterfront. The primary reason for this policy is to allow sufficient space between dwellings. The footprint of the proposed dwelling as currently submitted only allows for a seven-foot side yard setback on the east side of the property. Therefore, the office recommends that the petitioners redesign their proposed home to respect an overall width of thirty feet allowing for ten-foot side yard setbacks on both sides.

For further information concerning the matters stated here in, please contact Laurie Hay 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: NOVEMBER 20, 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. 7-225-A
1220 STUMPFS ROAD
BLEAKLEY PROPERTY
VARIANCE - PERMIT SIDE YARD
SETBACKS IN LIEU OF REQUIRED
55'

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. 7-225 A.

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,

Engineering Access Permits

Division

SDF/MB

Thomas P. Bleakley
1222 Stumpfs Rd.
Middle River, Md. 21220
410-335-7660
443-557-1006 ext 138 wk

In 1997 I applied for a variance to improve an undersized waterfront lot located on the Bird River. The variance was granted, and I razed the old house, and built a beautiful new home, located at 1222 Stumpfs Rd.

I have a buyer for my property at 1222 Stumpfs Rd, and have a contract to purchase the property next door, 1220 Stumpfs Rd. It is an old cinderblock house, which the elderly owners have agreed to sell to me. My request is to gain side set back variances of 7 feet on each of the side of the property. Attached is a letter from the buyers of 1222 and the owners of 1216, the adjacent owners. Across from the front, roadside, is farmland. The Bird River is at the back side of the property. The property is situated in a small block of 12 homes, all of which are small lots, with minimal side setbacks. No house on Stumpfs Rd has the required 35' side setback, as it is an older community which was established long before the zoning regulation came into effect. My intent is to raze the existing dwelling, and improve the lot with a beautiful new home. The total living space and the footprint will be smaller then the adjacent houses.

The proposed new home will be situated no closer to the shoreline then the two adjacent homes. While increasing the impervious area, the increase will not exceed 25% of the total square footage of the property. I will agree to planting of native plants as mitigation for increasing the impervious space, as required by DEPRM. No new construction or grading will be done except as permitted by DEPRM.

Denial of this request would be unnecessarily burdensome and unreasonable, given existing conditions in this neighborhood, and would prevent construction of a dwelling of sufficient size to meet my needs. Furthermore, the relief will not result in any impact on adjoining properties and meets the spirit and intent of the zoning regulations. Granting this variance will not adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance would result in practical difficulty and/or unreasonable hardship. Also, this request is in harmony with the general spirit and intent of the Critical Areas for Baltimore County. Strict compliance would deprive me of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County.

Respectfully submitted,

Thomas P. Bleakley Date

To whom it may concern,

I reside at 1216 Stumpfs Rd. My property is directly next door, to the west of 1220 Stumpfs Rd.

I do not object to the variance request of 7' as a side setback, being requested by Tom Bleakley.

Approval of the request will allow Tom and his wife to build a house that is suitable to their needs, and improve the quality of the property.

Date'

William E. Cole, Jr. Angela A. Cole 1814 Laurelbrook Rd. Fallston, MD 21047

To whom it may concern,

We have contracted to purchase the property known as 1222 Stumpfs Rd., Middle River, MD, 21220. The property is currently owned by Thomas and Linda Bleakley. We understand that Mr. and Mrs. Bleakley intend to purchase the property known as 1220 Stumpfs Rd. which is on the west side of 1222 Stumpfs Rd.

In connection with their prospective purchase, the Bleakleys and the Edwards family, the current owners of 1220 Stumpfs Rd., are seeking a variance of seven feet on the east side of the property. The purpose of this letter is to inform all interested parties that we do not object to the variance request as described above.

Sincerely,

William E. Cole, Jr.

Angela A. Cole

# John Murphy - FW: ref cs no 07-225-A 1220 Stumpfs Rd

From: "Tom Bleakley" <tbleakley@starsm.com>

To: <jvmurphy@co.ba.md.us>

Date: 12/21/06 10:38 AM

Subject: FW: ref cs no 07-225-A 1220 Stumpfs Rd

Mr Murphy,

I just sent a fax with additional information for you to review when considering my request. The fax has the pictures that are below, but I wanted you to have them in color. They were taken the day after our hearing meeting.

These 2 new houses are on the next streets down from me on the Bird River. As you can see, they are not even close to the 10 ft rule.

My request is for 8 ft on the east side and 7 ft on the west side. The houses below do not have 8 ft.

Please review the letter that I just faxed with additional important information.

Please call me if you have any questions concerning the fax or this email.

Thank you.

# Tom Bleakley

Star Sales & Marketing 883 Airport Park Rd Ste i Glen Burnie, Md 21061 443-557-1006 ext 138

Get Kodak prints of this picture, and all your other favorites, at www.kodakgallery.com!

STUMPES RD. PICTURES OF E RY HOUSE ON BLOCK 10/25/2006 1214 1212

1214 Det #

1216

B



1220 - SUBJECT PROPERTY



#225













1224

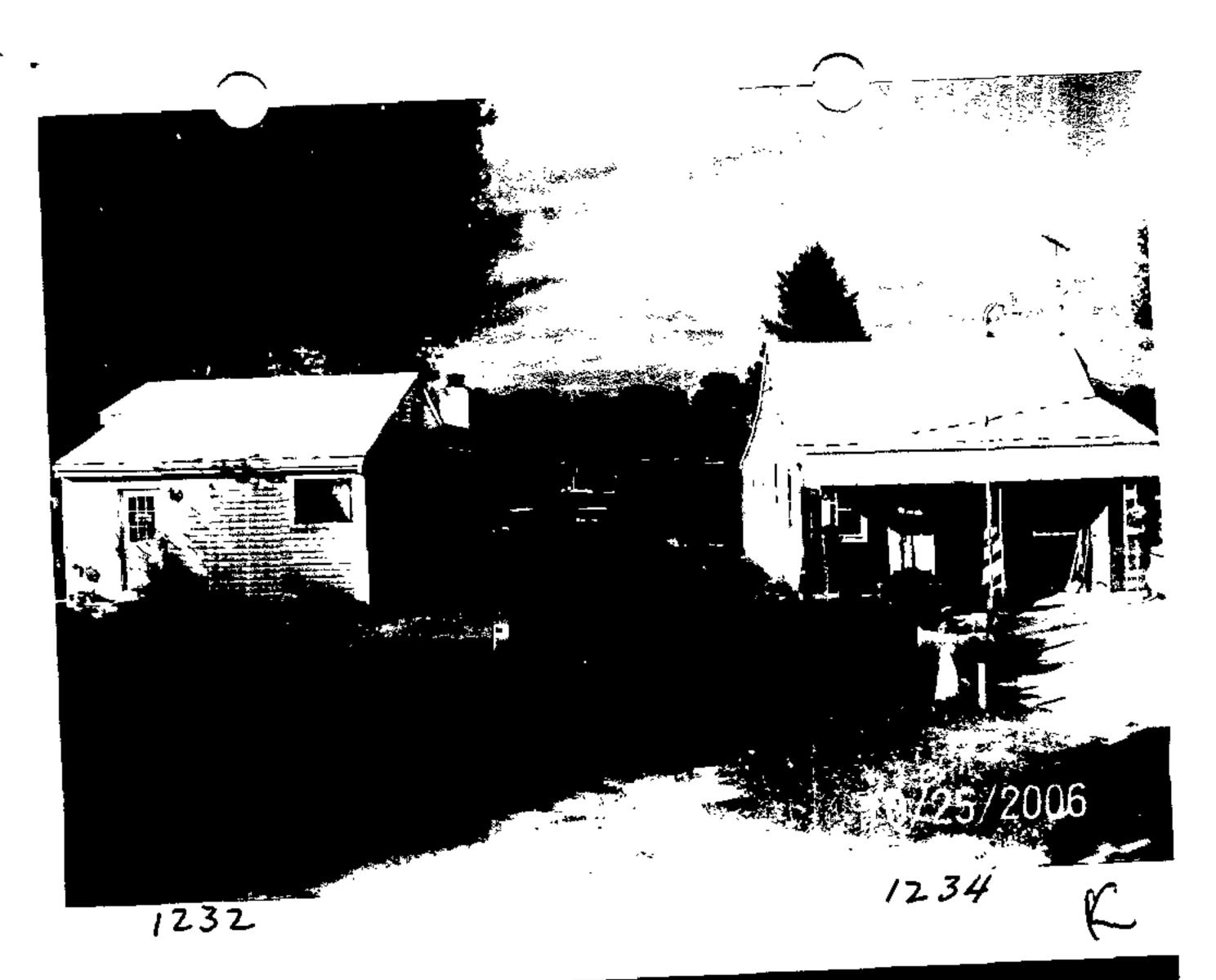
#525

F





#25





tto:

1234

#225



# State of Maryland LETTERS OF ADMINISTRATION

state No. <u>138175</u>	
I ce tify that administration of the Estate of	
J ROMAINE EDWARDS	• · ·
Was granted on the 15th day of SEPTEMBER, 2006	
to MATTHEW D EDWARDS (SI 'CCESSOR)	
as personal representative(s) and the appointment is in effect this 11th day of OCTOBER, 2006	
Will probated March 13, : 006  (date)  Intestate estate.	:
Grace S. Con	ruy

GRACE G. CONNOLLY: Register of Wills for

Baltimore County

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

RW 1120

To whom it may concern,

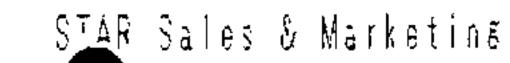
I reside at 1216 Stumpfs Rd. My property is directly next door, to the west of 1220 Stumpfs Rd.

I do not object to the variance request of 7' as a side setback, being requested by Tom Bleakley.

Approval of the request will allow Tom and his wife to build a house that is suitable to their needs, and improve the quality of the property.

Pete Terry

Date'





## STAR Sales & Marketing

883 Airport Park Road, Suite I, Glen Burnie, MD 21061 Phone: 443-557-1006 Fax: 443-557-1007

# Fax

To:	Mr. Jack Murphy	From:	Tom Bleakley	<u> </u>
Fax:	410-887-3468	Pages:	7 incl cover	
Phone	<u> </u>	Date:	12/21/2006	
Re:	Case no. 07-225-A 1220	) Stumpfs Rd CC:		
— Urge	ent x For Review	☐ Please Comment	☐ Please Reply	☐ Please Recycle
• Con	ments:	<u> </u>		· · · · · · · · · · · · · · · · · · ·
Mr Mu	rphy		-	•
Ref: 12	220 Stumpfs Rd – side setb	ack request		
	very important to me to g additional information since		-	equest, I have prepared
l would	appreciate you reviewing	my attached letter and cor	nsider it when makin	g your decision.
Also, I	am going to email you the	pictures, so you can see t	hem in color.	
Thank	you.			
Tom Bi	leakiey			
Office 4	143-557-1006 ext 138			

To:

Mr. Jack Murphy

From:

Tom Bleakley

Subject:

1220 Stumpfs Rd Variance Request

Case No.:

07-225-A

Mr Murphy,

As a follow up to our meeting on 12/19/2006, I advised you that after meeting with several county agencies, including zoning, where I presented my plot plan showing my request of 7 ft on each side that I was given the impression that 7 ft would be considered. I was told that if I showed my plan was to be similar to many other houses in the area, with regard to side set backs, that I shouldn't have a problem. Based on that feedback, my wife and I proceeded with house plans (which my wife worked on for months) and have spent a large amount of money to have the prints completed. My purpose for telling you this is to ask you to help us find a way to make the house plans work, which call for 35 ft side to side.

### Therefore we need 8 ft on the east side and 7 ft on the west side.

Your explanation for setting a guideline of 10 ft is to allow emergency trucks access to the rear of the house. When making a practical decision, I would suggest that the fire department would not drive to the back of the proposed house. If the lot was very large, and the river was far from the road and / or the house was far from the road, then I would agree that the truck might have to drive past the house to get to the water. But because the river is so close to my road, the truck would not have to drive on the property. It would stay on the road and drag a hose down to the water. In fact, attached is the letter from the County Fire Department stating that they have no comments after reviewing the plot plan that clearly shows 7' side setbacks, and reviewing the zoning request that says we request 7' setbacks. I believe this is a fair request on my behalf, considering the fact that we have an undersized lot, and our plan does not call for a very large house. As we discussed, our proposed house is smaller then the adjacent houses. To make it smaller then the proposed 35 ft across would take away from the character of the homes on either side of us. Therefore, I believe the practical and fair decision is to grant us 8 ft on the east and 7 ft on the west sides of the lot.

In closing, I would like to present one other piece of information. Attached is information on three other properties that were granted less then the 10 ft rule. These houses are on my river, the Bird River, not far from my house. The homes on Blackhead Rd and Mallard Rd are less then one year old. The N. River Dr address is an addition that is two feet from the line, and is approximately 2 years old. The 2 ft request was granted even in light of the fact that the neighbor appeared at the hearing to protest. (I know this because the homeowner is my cousin)

We know all three of these owners. Granting of these variances gave us even more peace of mind that our request for 7 ft. would be granted.

As stated in my cover letter with my request, and on the plot plan, I will conform to all of the requirements of DEPRM, concerning impervious space, construction & grading, and well & septic design. You should have DEPRM's comments soon, as the lot survey is being delivered to Rob Powell in GWM within the next couple of days.

Thank you for consideration of my proposal.

### Fire Department

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



### Baltimore County

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

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

November 22,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2006

Item Number(s): 213 through 228

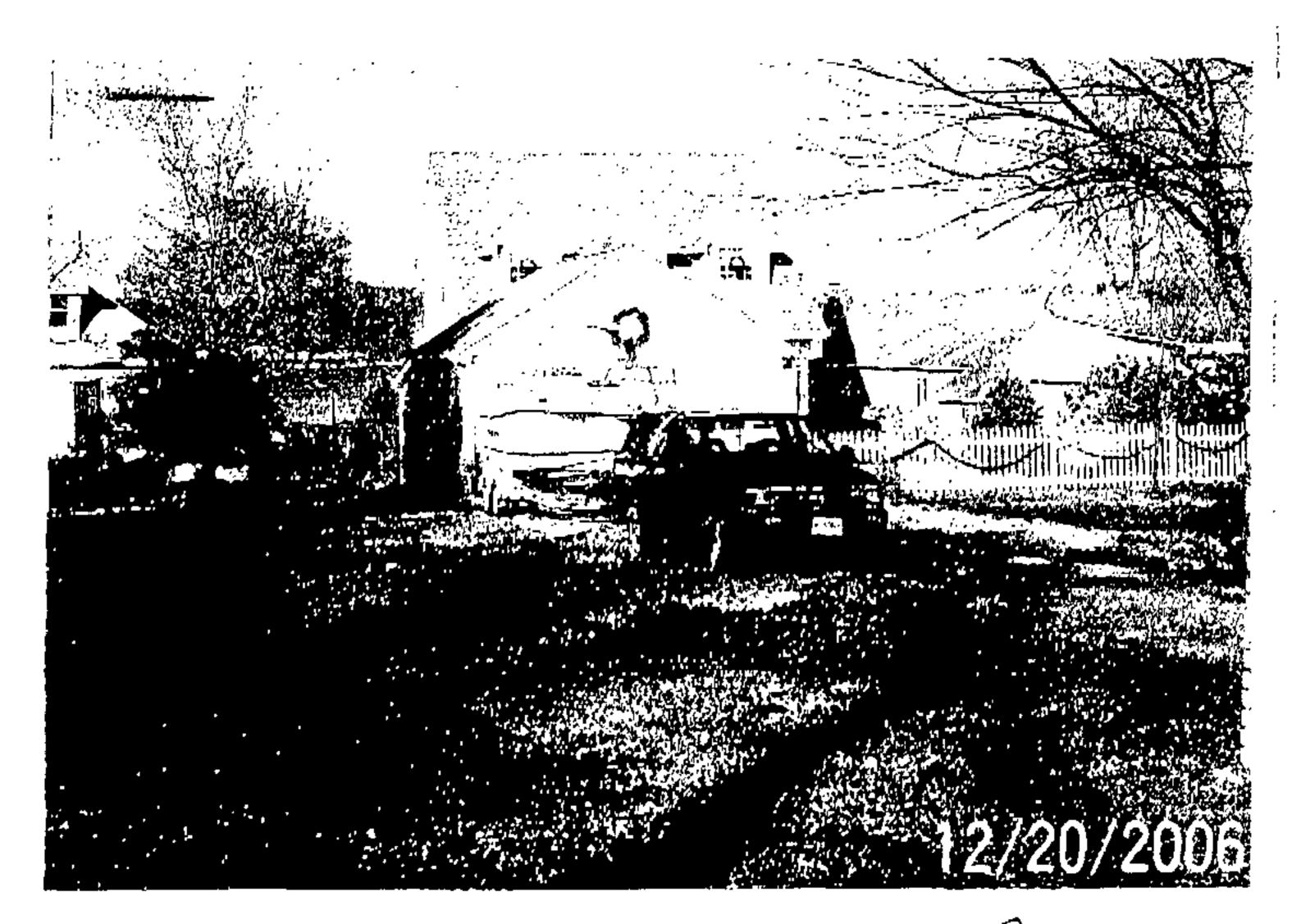


Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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



6546 BLACKHEAD RD

ONE BLOCK FROM STUMPTS RD

ON THE BIRD RIVER.

NEW CONSTRUCTION
LESS THEN 10 SETBACK ON SIDE
GARAGE IS RIGHT ON THE LINE

NO DICTURE

6900 N.RIVER DR

GARACE ADDITION

ONLY 2'-3' FROM PROPERTY

LINE

MY COUBING HOUSE ON THE BIRD RIVER

(3)



6708 MALLARD RD TWO BLOCKS FROM STUMPFS RD

NEW HOUSE LESS THEN 10' SETBACK ON SIDE

DATE	CASE NUMBER	CASE NAME

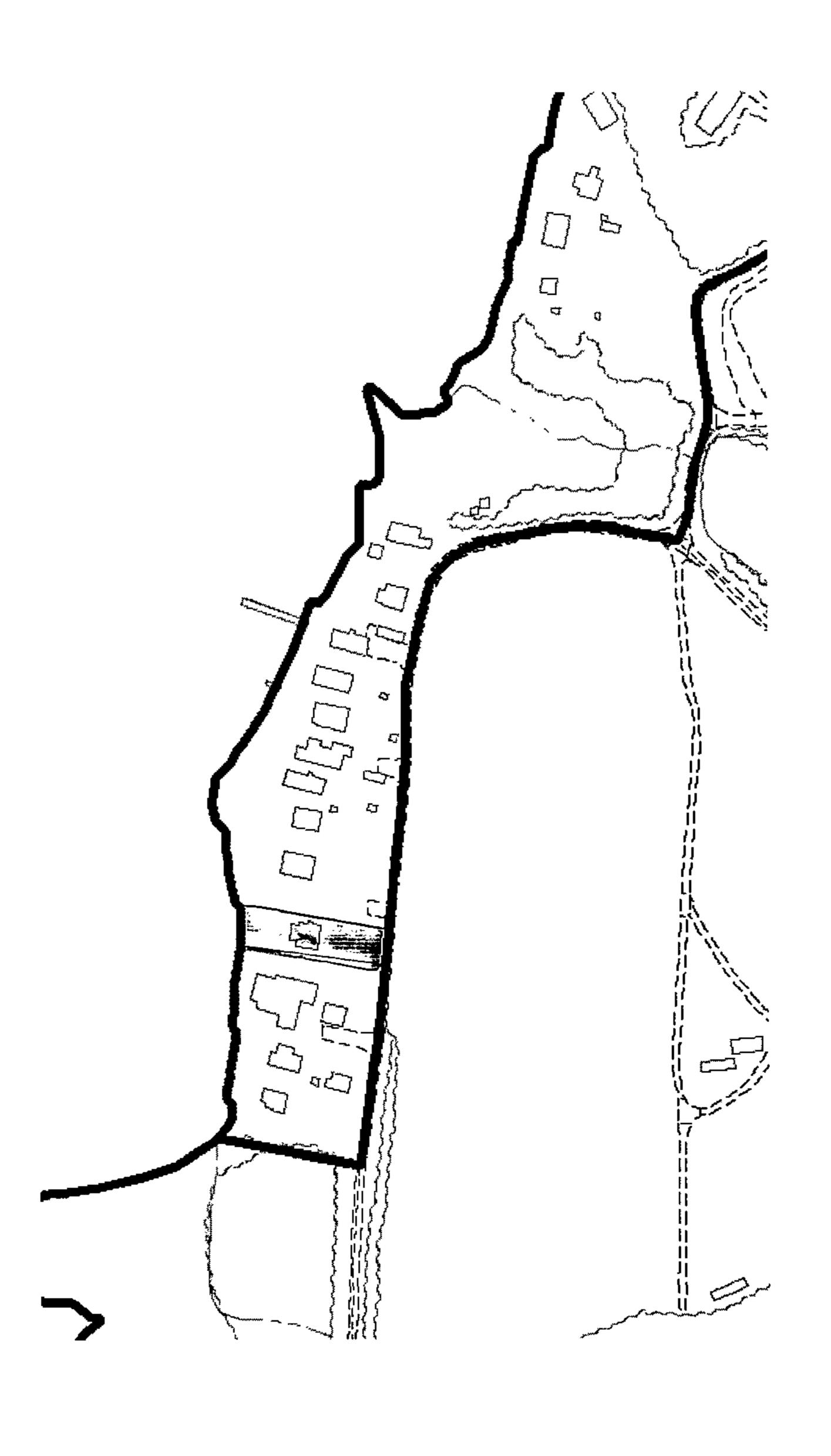
# PETITIONER'S SIGN-IN SHEET

							JOM BLEAKLEY 12	NAME
							722 STUMPES RJ	ADDRESS
							(3.7)	CITY, STATE, ZIP
							HEROMOOVE & MISNICO	E- MAIL

CONTACT: TOM BLEAKLEY 1222 STUMPFS 1222 STUMPFS 1410-335-7660-HM 443-557-1006 EX 138-WK

PROPOSED IMPERVIOUS - 15/0 SF
PROPOSED IMPERVIOUS - 2377=24%
HOUSE - 1842 > 2377
PROPERTY

NEW HOUSE - 1842 NEW DRIVEWAY 475, NEWWALKWAY 60 PROPOSED HOUSE IS DOTTED LINE 24% BLE Ô PURC EURICE Tumpf5 DRIVEWRY DRAWING: REVIEWED BY 1"= 200' ELECTION DISTRICT COUNCILMANIC DISTRICT PRIOR ZONI g 5 SCALE MAP # NE BX ECIAL E BAY ると FIGHT USE ONLY NO HEARING ROPERTY/ LOOD PLAIN ACREAGE ATION INFORMATION SCALE: 1" = 1000 صم VICINITY MAP 225 BENEZER AVD RIVER MINATE STATE るかかい 107-225-A ARING M  $\boxtimes$ 





New house on 6546 Blackhead Rd

one
block
from
Stumpfs
Rd.



New house on 6708 Mallard Rd - 2 blocks from

Stumpfs

Rd



Close
up
of
6546
Blackhead
garage
is
right
on

the

line

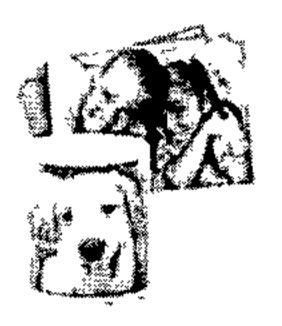
How to save a picture

Simply right-click on it, then "Save Image As...". (Mac users: drag the picture to your desktop.)

### Free Software!

Organize, print, and share your digital photos using FREE Kodak EasyShare software. <u>Download</u> the software






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JAMES T. SMITH, JR. County Executive

TNOTEM DEK 29R 2006 Director
Department of Permits and
Development Management

### **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: 07-225-A

1220 Stumpfs Road

N/side of Stumpfs Road, 1 mile east of centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert & Helen Edwards, Catherine Edwards & Matthew Edwards

Contract Purchaser: Thomas Bleakley

Variance to permit side yard setbacks of 7 feet each for a proposed dwelling on a lot with an existing dwelling (to be razed) in lieu of the required 35 feet.

Hearing: Tuesday, December 19, 2006 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Thomas Bleakley, 1222 Stumpfs Road, Middle River 21220 Mr. & Mrs. Robert Edwards, 1943 Denbury Drive, Baltimore 21222 Catherine Edwards, 2000 Ormand Road, Baltimore 21222 Matthew Edwards, 403 Elmwood Avenue, Baltimore 21206

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 4, 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.