IN RE: PETITION FOR VARIANCE
S side of Silver Knoll Drive 170 feet W
of Hilltop Acres Road
11th Election District
5th Councilmanic District
(8794 Silver Knoll Drive)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Raymond and Madonna Holmes Petitioners

CASE NO. 07-232-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, Raymond and Madonna Holmes. The Petitioners are requesting variance relief for property located at 8704 Silver Knoll Drive. The variance request is from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational boat and trailer in the front yard in lieu of the required side or rear yard.

The property was posted with Notice of Hearing on January 16, 2007 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 January 17, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such

variance shall be granted only if in strict harmony with the spirit and intent of said height, area, 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 comments were received from the Office of Planning dated January 29, 2007 which recommends the request be denied.

Interested Persons

Appearing at the hearing on behalf of the variance request were L. Holmes, as well as Raymond and Madonna Holmes, Petitioners. Appearing in opposition to the request were William Libercci, representing the Perry Hall Improvement Association, H. Blessing, J. Makaffey, and D. Guardino. Kevin Gambrill attended the hearing representing the Planning Office. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 0.1847 acres +/- zoned DR 5.5 and is improved by the Petitioners' single family detached home. The Petitioners indicated that they would like to park their boat in the driveway on the front of their homes as shown in exhibit 1. They indicated that they cannot transport the boat into the back yard or side yard because of buried utilities in the side yard (next to 8702). They contend these buried utilities prohibit paving a driveway in the side yard which would give them access to park the boat in the rear yard. Regarding the opposite side of the house, they pointed out that their homes lies next to the storm water management facility for the neighborhood, and that there is a drainage and utility easement along this side

which again prohibits paving so as to gain access to the rear yard or parking area in the side yard. Finally they noted that there is a horse farm behind their property which again would prohibit access to the rear yard.

In support of these contentions, they presented photographs of the side yard with the buried utilities, the side yard next to the storm water management facility and the boat parked in the driveway. See Petitioner's exhibit 2. They noted that the trailer on which the boat is stored does not project out into the side walk in front of their home.

In response to the question why they do not park the boat and trailer at a marina or other storage facility, they indicated that they previously stored the boat at a marina, that a thief removed a \$10,000 outdrive from the boat and the marina denied liability to replace the stolen goods. They concluded that the only place to safely store the boat was at their home. In addition they opined that they were not taking parking by having the boat in the driveway, that the immediate neighbors do not object to the request, and that there had been a larger boat parked in front of a house for several years apparently without complaint. Finally they opined that a \$30,000 boat is not an eyesore, that their home is located nearly at the end of the street and the boat is hardly visible from the community.

Upon questioning they indicated that the boat is 8.5 feet wide and the trailer 9.5 feet wide and admitted that Silver Knoll does not dead end at their home.

Mr. Gambrill, from the Planning Office, indicated that boats are not allowed in the front yard under the regulations, that to allow them in the front yard would adversely affect the community from an aesthetics standpoint and quality of life perspective. He admitted that in this case the boat parked as proposed will not project into the front sidewalk, and the side yards are constrained by the utilities and drainage easements which means that only 4.5 feet of the side

yard could ever be utilized to transport the boat to the rear yard. He agreed that it is impractical to put the boat in the side or rear yards.

Mr. Gambrill opined that there were no other boats parked in the front yard in the neighborhood and that the County parking prohibits boats on trailers on public streets. Finally he opined that this property is not unique in that many similar easements exists in the community which limit access to the rear yard.

Mr. Blessing indicated that he opposed the requested relief because a boat on a trailer can easily be moved over utilities and easements to park the boat in the rear yard. He noted that there is 10 feet on either side of the house which will allow the 9.5 foot trailer to pass. Finally he expressed concern that if this variance is granted, it would set a bad precedent for this 160 home community and that boats parked in front yard would occur often. He presented photographs, protestant's exhibit 1, of the Petitioner's home and boat in the front yard to show that the boat is highly visible from the street. He pointed out the basketball basket and backboard in photograph 1 and opined that the basket should be in the driveway but that children were forced to play basketball in the street because the boat is parked in the driveway.

He opined that the Petitioners could store the boat at either a marina or easy store storage facility and that the place of storage or the Petitioner could provide insurance to offset any loss on their boat if damaged or stolen. Finally he presented e-mails from neighbors opposed to the request as protestant's exhibit 2.

Mr. Libercci indicated that he filed the complaint with the County based upon a neighbor's request, that the County inspector issued a citation that the boat could not be parked in front of the house, and that approving this variance request would set a bad precedent which in this affluent neighborhood would result in a proliferation of boats in the front driveways. He opined that the Petitioner's property is not unique in a zoning sense as there are many identical

homes and properties in the immediate community. He opined that the Petitioner can haul the boat to the back yard by simply taking down the tree in the side yard closest to the storm water management facility.

When the Petitioner pointed out the slope of the side yard nearest the storm water management facility, Mr. Libercci indicated that the Petitioner's other side yard is nearly flat, that the SWM side can be graded and that even if there are other boats in front driveways in the County, that fact does not excuse violating the regulations here.

In rebuttal the Petitioners disputed whose cars are shown in protestants' photographs, indicated that the Petitioners park further down the street, and that during a survey of five marinas none had insurance against lost or damage to boats.

Findings of Fact and Conclusions of Law

There is no evidence in this case that the Hilltop Acres subdivision was created and recorded prior to imposition of Section 415 A on the County. Similarly there is no evidence that the subject property is impacted any differently than other properties in the district. Therefore I find the property is not unique from a zoning standpoint and consequently must deny the variance.

Nor did I understand the basis of the Petitioner's assumption that they would be required to build a concrete driveway over the underground utilities or the drainage easement in the side yards of the Petitioner's home in order to transport the boat and trailer to the rear yard. I know of no regulation that requires a boat on a trailer to be transported via concrete driveway. As far as I am aware the boat could be simply moved over the utility and drainage easements to the back yard. Although it may be a tight squeeze, the trailer has room to pass the house and still stay on the Petitioner's property. I acknowledge that some foliage and trees might have to be removed but this simply adds to the cost of moving the boat to the rear. Finally there are many

THESE IMAGE PAGES INCORRECTLY DISPLAY THE CASE ADDRESS AS 8794 SILVER KNOLL ROAD. THE CORRECT CASE ADDRESS IS 8704 SILVER KNOLL ROAD.

alternatives for secure storage available in the metropolitan area in which the Petitioners could park their boat. I can understand their reluctance to explore this alternative given their sad experience with the theft of valuable components off the boat, but I think this is a matter of finding the right location. I find that the Petitioners would not suffer hardship or practical difficulty to transport the boat to the rear yard or find secure alternative locations for storage.

Finally I find that granting the variance would adversely affect the community as it would set an unfortunate precedence which likely would result in many such requests given the similarity of the homes and lots in this affluent community.

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 denied.

THEREFORE, IT IS ORDERED, this ______ day of February, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational boat and trailer in the front yard in lieu of the required side or rear yard is hereby DENIED.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



RECTLY DISPLAY THE CASE ADDRESS AS 8784 SILVER KNOLL ROAD. THE CORRECT GASE ADDRESS IS 6764 SILVER KNOLL ROAD.

to the Zoning Commissioner of Baltimore County

for the property located at 8704 Silver Knoll Dr. which is presently zoned DR 5.5

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

4154. 1. ARTO PERMIT A RECREATIONAL

BOAT AND TRAILER IN THE FRONT YARD IN LIEU OF REQUIRED SIDE OR REAR YARD.

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

SEE ATTACHED

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

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

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

is	the subject of this Petit	iition.	
Contract Purchaser/Lessee:		Legal Owner(s):	•
		Raymond E. Holmes Sr.	
Name - Type or Print	 	Name - Type or Print	
Signature		Signature	
Address	Telephone No.	Madonna A. Holmes Name-Type or Print	
City	Zip Code	Madonne G. Holmen Signature	
	Zip Code	8704 Silver Knoll Dr. 410-93	11-1068
Attorney For Petitioner:		Address Telephon	ne No.
		Perry Hall MD 211.	28
Name - Type or Print			Code
		Representative to be Contacted:	
Signature		· · · · · · · · · · · · · · · · · · ·	
Company		Name	
Address	Telephone No.	Address	e No.
City	Zip Code	City State Zip	Code
		OFFICE USE ONLY	
Case No. 07.232-A		ESTIMATED LENGTH OF HEARING 1HC	
	- Reviewed By	UNAVAILABLE FOR HEARING	
REV 9/15/98 THESE IMAGE PAGES INCORRECTLY DISPLAY THE	CASE ADDRESS AS 8794 SII	SILVER KNOLL ROAD. THE CORRECT CASE ADDRESS IS 8704 SILVER	KNOLL ROAD

THESE IMAGE PAGES INCORRECTLY DISPLAY THE CASE ADDRESS AS 8794 SILVER KNOLL ROAD. THE CORRECT CASE ADDRESS IS 8704 SILVER KNOLL ROAD.

8704 Silver Knoll Drive

The difficulty and hardship that we encounter is the impossibility of moving our boat to the back yard or the side of our property. It is not feasible to move to the rear of our house, there is not enough room to maneuver it without damaging our neighbors property. There is no other access to the back yard except between the two houses. Also there are power lines on that side which makes it impossible to add any kind of cemented pad or any thing else to store the boat. There is a drainage and utility easement on the other side which leaves us no room to move the boat on either side.

Leaving the boat in our driveway or parking it on the street should be sufficient.

In the driveway it is not in anyone's way except for ours. We have asked our neighbors and they do not have an issue with the boat. The person who made the complaint does not even live in our neighborhood.

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: # 07-232-A 8794 Silver Knoll Drive S/side of Silver Knoll Drive, 170 feet west of Hilltop' Acres Road 11th Election District 5th Councilmanic District Legal Owner(s): Raymond. & Madonna Holmes Variance: To permit a recreational boat and trailer in the front yard in lieu of the required side or rear yard. Hearing: Thursday, February 1, 2007 at 10:00 a.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 Commissioner's Office at (410) 887-3868.

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

JT 1/703 Jan. 16 121659

CERTIFICATE OF PUBLICATION

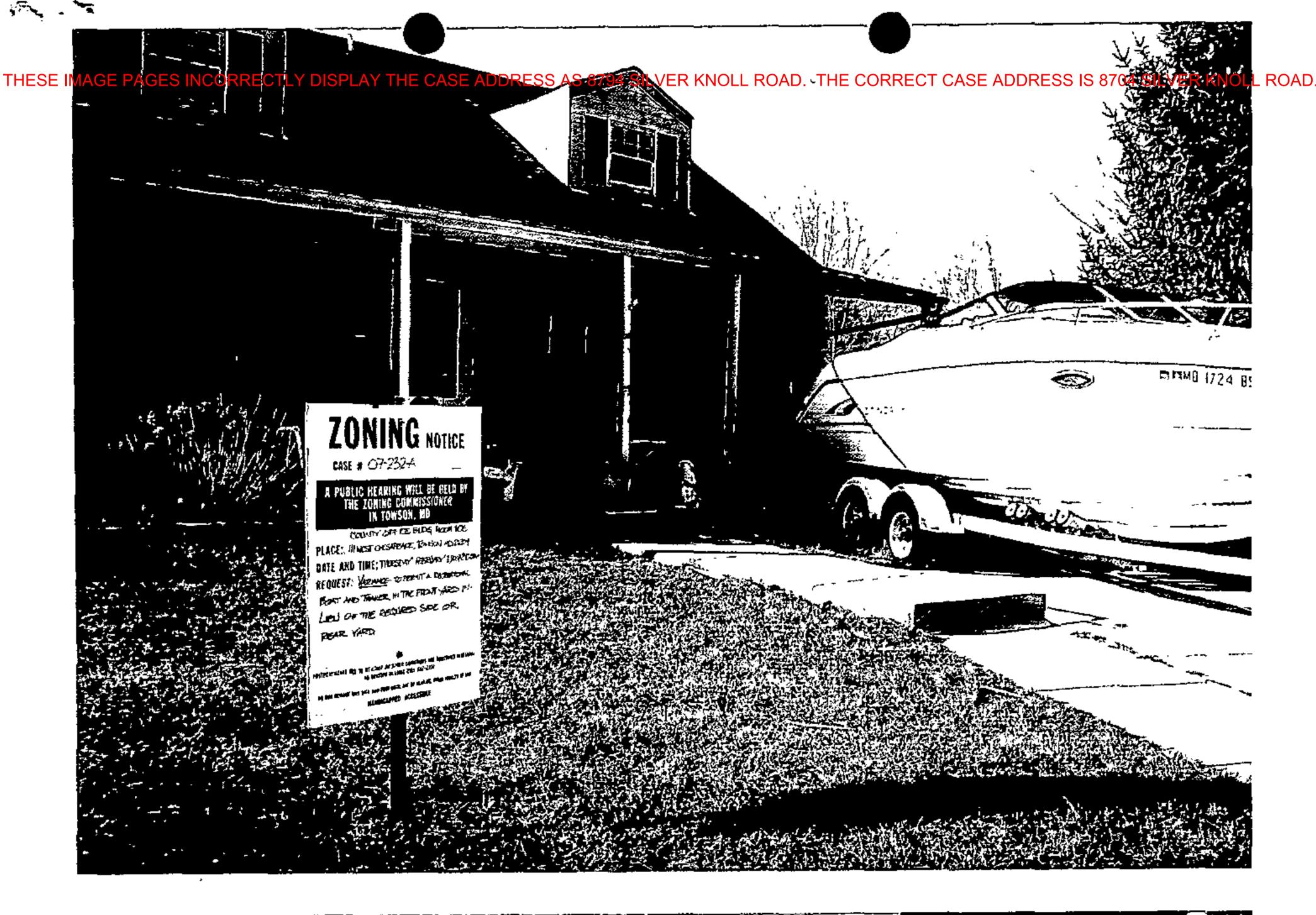
118,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
once in each ofsuccessive weeks, the first publication appearing on
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

PALE RECEPT *** *** *** *** *** *** *** *** *** *	CASHIER'S VALIDATION	
8	TOMER	
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS "RECEIPT" UL DATE 1 2 0 00 ACCOUNT RECEIVED LANGUINT S FROM: FOR:	DISTRIBUTION WHITE CASHIER PINK AGENCY VELLOW CUS	

	,
	Date:1807
RE: Case Number: 07-232-/ Petitioner/Developer: RAYMOND	2 HOLMES
Date of Hearing/Closing: FEB	2007
This is to certify under the penalties of perju on the property located at 8704	ry that the necessary sind(s) required by law were posted conspicuously SIUER KNOW DRIVE
The sian(s) were posted oni	
	(Month, Day, Year)
	MIS MINA
	Statedure of Statification

Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562



LUNING NOTICE

CASE # 07-232-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: III WEST CHESAPEAKE, TONSON MD 21204

DATE AND TIME; THURSDAY FEBRUARY 1,2007@10:00M

REQUEST: VARIANCE: TO PERMIT A RECREATIONAL

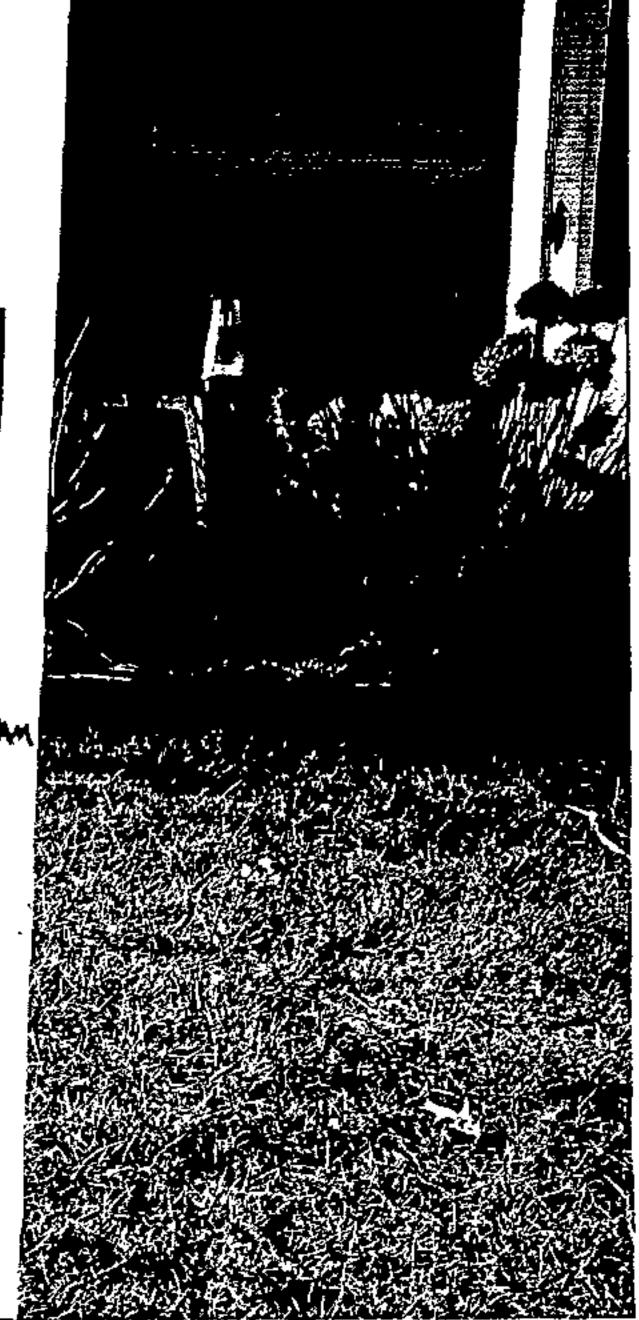
BOAT AND TRAKER IN THE FRONT YARD IN

LIEU OF THE REQUIRED SIDE OR

REAR YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391



RE: PETITION FOR VARIANCE

8704 Silver Knoll Drive; S/S Silver Knoll

Drive, 170' W Hilltop Acres Road

11th Election & 5th Councilmanic Districts

Legal Owner(s): Raymond & Madonna Holmes*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-232-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 28th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Raymond & Madonna Holmes, 8704 Silver Knoll Drive, Perry Hall, MD 21128, Petitioner(s).

RECEIVED

MOV 2 8 2006

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



JAMES T. SMITH, JR. County Executive

TDACEHABEIKDTR2006Director

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: 07-232-A

8794 Silver Knoll Drive
S/side of Silver Knoll Drive, 170 feet west of Hilltop Acres Road
11th Election District – 5th Councilmanic District
Legal Owners: Raymond & Madonna Holmes

Variance to permit a recreational boat and trailer in the front yard in lieu of the required side or rear yard.

Hearing: Thursday, February 1, 2007 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Holmes, Sr., 8704 Silver Knoll Drive, Perry Hall 21128

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 17, 2007.
 - (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.

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: 07 232 A Petitioner: Raymond E, + Madonna A, Holmes	
Address or Location: 8704 Silver Knoll Dr. Perry Hall, MD 21	12
PLEASE FORWARD ADVERTISING BILL TO:	
Name:ftolm & s Address: _8704 Silver Knoll Drine	
Perry Hall MD. 21128	
Telephone Number: 40 931 1988	

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 25, 2007

Raymond E. Holmes, Sr. Madonna A. Holmes 8704 Silver Knoll Drive Perry Hall, MD 21128

Dear Mr. and Mrs. Holmes:

RE: Case Number: 07-232-A, 8704 Silver Knoll Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 20, 2006.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callaball

WCR:amf

Enclosures

c: People's Counsel

THESE IMAGE PAGES INCORRECTLY DISPLAY THE CASE ADDRESS AS 8794 SILVER KNOLL ROAD. THE CORRECT CASE ADDRESS IS 8704 SILVER KNOLL ROAD.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

2007

DATE: January 29, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 7-232- Variance

SUBJECT: 8704 Silver Knoll Drive

INFORMATION:

Item Number: 07-232

Petitioner: Raymond E. Holmes Sr.

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced case(s) and offers the following comments:

The petitioner is seeking a variance from section 415.A.1 of the Baltimore County Zoning Regulations (BCZR) to permit a recreational boat and trailer (recreational vehicle as defined by current zoning regulations) to be located in the front yard in lieu of the required side or rear yard. According to section 415.A.1 of the BCZR, a single recreational vehicle may be stored on a lot occupied by a single-family detached or semi-detached dwelling two and one-half (2.5ft.) from any rear or side lot line. Pertinent to the case at hand, section 415.A.1 makes no reference to parking and/or storing of recreational vehicles in the front yard because parking and/or storing of recreational vehicles is permitted in the side or rear yard only.

The intent of BCZR sec 415.A.1.A is to protect the aesthetics and character of the surrounding community by not allowing recreational vehicles and/or boats to be stored in direct view of the public right-of-way. While the petitioners lot is unsuitable for the storage of a recreational vehicle in the side or rear yard, the lot does not appear to be spatially unique with respect to

others in the community (lot # 15, parcel 458 of "Hilltop Acres – plat Liber 46, folio 131). Allowing the storage of recreational vehicles in the front yard of the subject property would set a negative precedent in this community. As such, the Office of Planning respectfully requests that the petitioner's request be denied.

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

	Jun	Tunham
Division Chief		•

LI



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



OLL ROAD. THE CORRECT CASE ADDRESS IS 8704 BILVER KNOLL ROAD.

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 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27, 2006

Item No.: 230, 231, 232) 233, 234, 235, 236, 237, 238, 239.

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/5/2006

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

Dear Ms. Matthews:

RE: Baltimore County

Item No. 7-232-A

B79A SILVER KNOLL DEIVE

HOLMES PROPERTY

VARIANCE - PETZMITA RECREATIONAL

BOAT & TRAILER IN LIEU OF FRONT

YARD

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. 7-232A.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 30, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 4, 2006 Item Nos. 07-229, 230, 231 (232, 233, 234,

235, 237, 238, and 239

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-11292006.doc

JM

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2-1-07 10 AM

To Whom It May Concern:

I am writing in reference to a hearing scheduled for tomorrow morning (case # 07-232-A).

If I understand the nature of the request correctly, the homeowner is asking the county to grant permission to store a boat and trailer in their driveway.

I live in the neighborhood and would like to voice my opposition to this request. Not only do I feel a boat in a driveway is an eyesore, but I feel that granting this request could lead to more requests down the line. Unfortunately the neighborhood doesn't have a Homeowners Association to deal with these issues. That makes it all the more important that this request is not granted.

Thank you for your time

Fax 410-887-3468

PDLV0102F

Permits Development - Livability Sem

View Cases

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Case No: 06-8012

Address: 08704 SILVER KNOLL DR 21128

Insp Area: 011 Dist: 000 Date Rcv: 9/18/2006 Grp: ENF Intk: CP

Close: <u>0/00/0000</u> Activity: _____ Delete: __

Problem: LARGE BOAT PARKED IN DRIVEWAY

2ND COMPL

AINANT:ANN MARIE/GARDINA (3384) _____ 29F9

CL Name: LIBERCCI WILLIAM

CL Address: 00019 ____ SHAWN CT_____

BALTIMORE MD 21236

CL Home Phone: 410-256-0675 CL Work Phone: _____ Tax Acct. 1900000574

Owner: RAYMOND ELMER & MADONNA A HOLMES

Enter=Continue F12=Cancel

View Cases
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Case No: <u>06-8012</u>

Notes: 9/19/06 CORRECT ADDRESS IS 8704 WHITE STINGRAY ON LICENSED TRAILER IN F
RONT YARD NOTICE POSTED & MAILED TO REMOVE OF FILE FOR VARIANCE COMPL UPDATED P/
U 10/19/06
**9/29/06 MR.ELMER HAS HIS FIRST APPT. SCHEDULED FOR 10/20 @ 9AM P/U 10/24
DP/SS
**10/20/06 FRIST APPT. FAILED. MORE INFO NEEDED ON PLAT. D.DUVALL MAY REVIEW &
APPROVE W/O NEW APPT. IF HAS TIME. I CALLED THEM (H 410-931-1988 C 443-604-4722
**11/9/06 APPT. SET FOR 11/20 P/U 11/21 UPDATE NOT NECESSARY DP/SS
**11/20/06 ITEM #232 ASSIGNED TO PETITION ADVISED COMPL. P/U 1/9/07 DP/SS
**11/22/06 HEARING NUMBER 07-232A SAME UPDATE NOT NECESSARY DP/SS
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Enter=Continue F12=Cancel THESE IMAGE PAGES INCORRECTLY DISPLAY THE CASE ADDRESS AS 8794 SILVER KNOLL ROAD. THE CORRECT CASE ADDRESS IS 8704 SILVER KNOLL ROAD.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 29, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 7-232- Variance

SUBJECT: 8704 Silver Knoll Drive

INFORMATION:

Item Number: 07-232

Petitioner: Raymond E. Holmes Sr.

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced case(s) and offers the following comments:

The petitioner is seeking a variance from section 415.A.1 of the Baltimore County Zoning Regulations (BCZR) to permit a recreational boat and trailer (recreational vehicle as defined by current zoning regulations) to be located in the front yard in lieu of the required side or rear yard. According to section 415.A.1 of the BCZR, a single recreational vehicle may be stored on a lot occupied by a single-family detached or semi-detached dwelling two and one-half (2.5ft.) from any rear or side lot line. Pertinent to the case at hand, section 415.A.1 makes no reference to parking and/or storing of recreational vehicles in the front yard because parking and/or storing of recreational vehicles is permitted in the side or rear yard only.

The intent of BCZR sec 415.A.1.A is to protect the aesthetics and character of the surrounding community by not allowing recreational vehicles and/or boats to be stored in direct view of the public right-of-way. While the petitioners lot is unsuitable for the storage of a recreational vehicle in the side or rear yard, the lot does not appear to be spatially unique with respect to

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others in the community (lot # 15, parcel 458 of "Hilltop Acres – plat Liber 46, folio 131). Allowing the storage of recreational vehicles in the front yard of the subject property would set a negative precedent in this community. As such, the Office of Planning respectfully requests that the petitioner's request be denied.

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

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Division Chief:

LI



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 2, 2007

RAYMOND AND MADONNA HOLMES 8794 SILVER KNOLL DRIVE PERRY HALL MD 21128

> Re: Petition for Variance Case No. 07-232-A

> > Property: 8794 Silver Knoll Drive

Dear Mr. and Mrs. Holmes:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

- c: William Libercci, Perry Hall Improvement Association, 19 Shawn Court, Baltimore MD 21236
 - H. Blessing, 8619 Silver Knoll Drive, Perry Hall MD 21128
 - J. Makaffey, 5029 Hilltop Acres Road, Perry Hall MD 21128
 - D. Guardino, 5032 Hilltop Acres Road, Perry Hall MD 21128
 - L. Holmes, 8704 Silver Knoll Drive, Perry Hall MD 21128

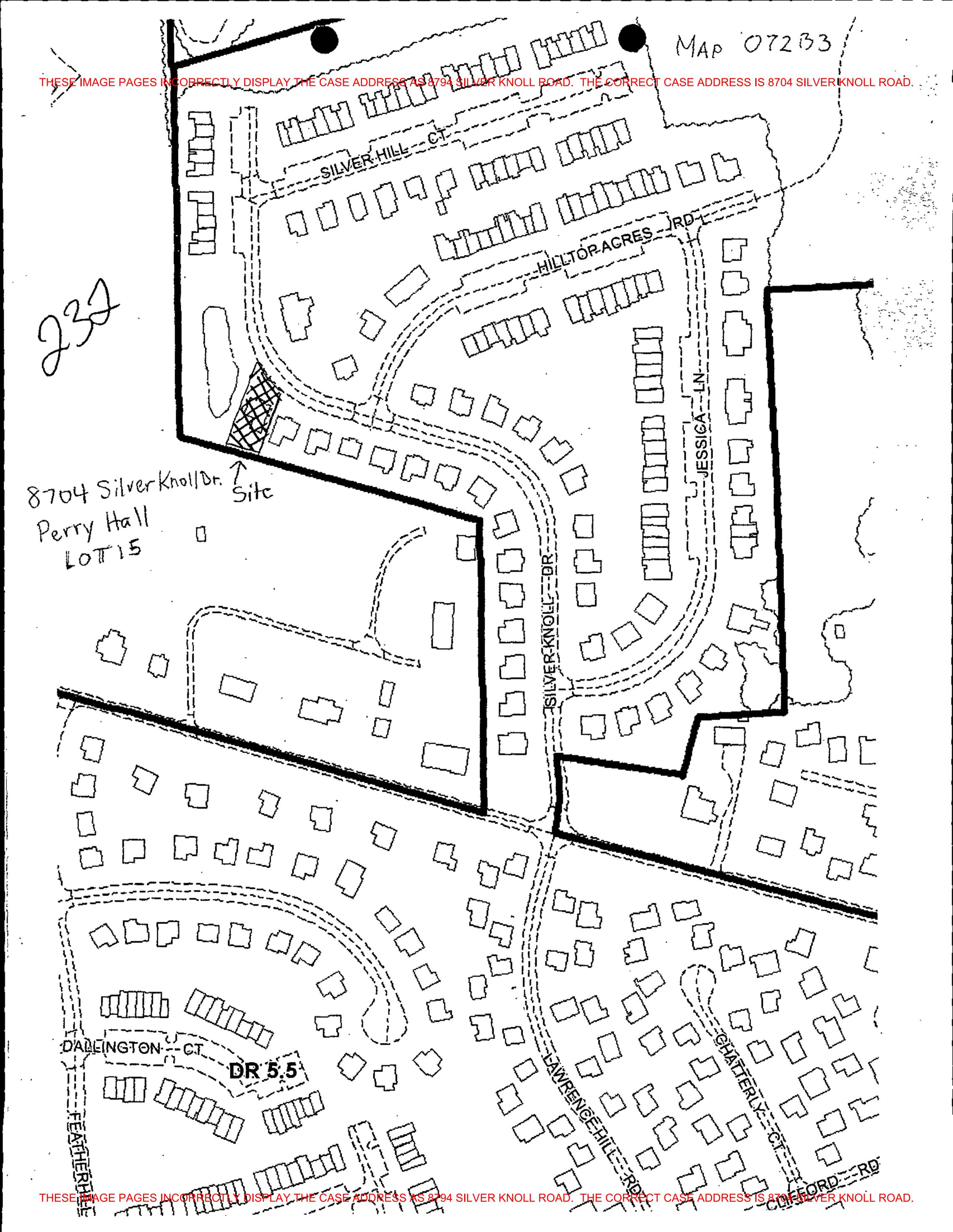
County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468 www.baltimorecountymd.gov

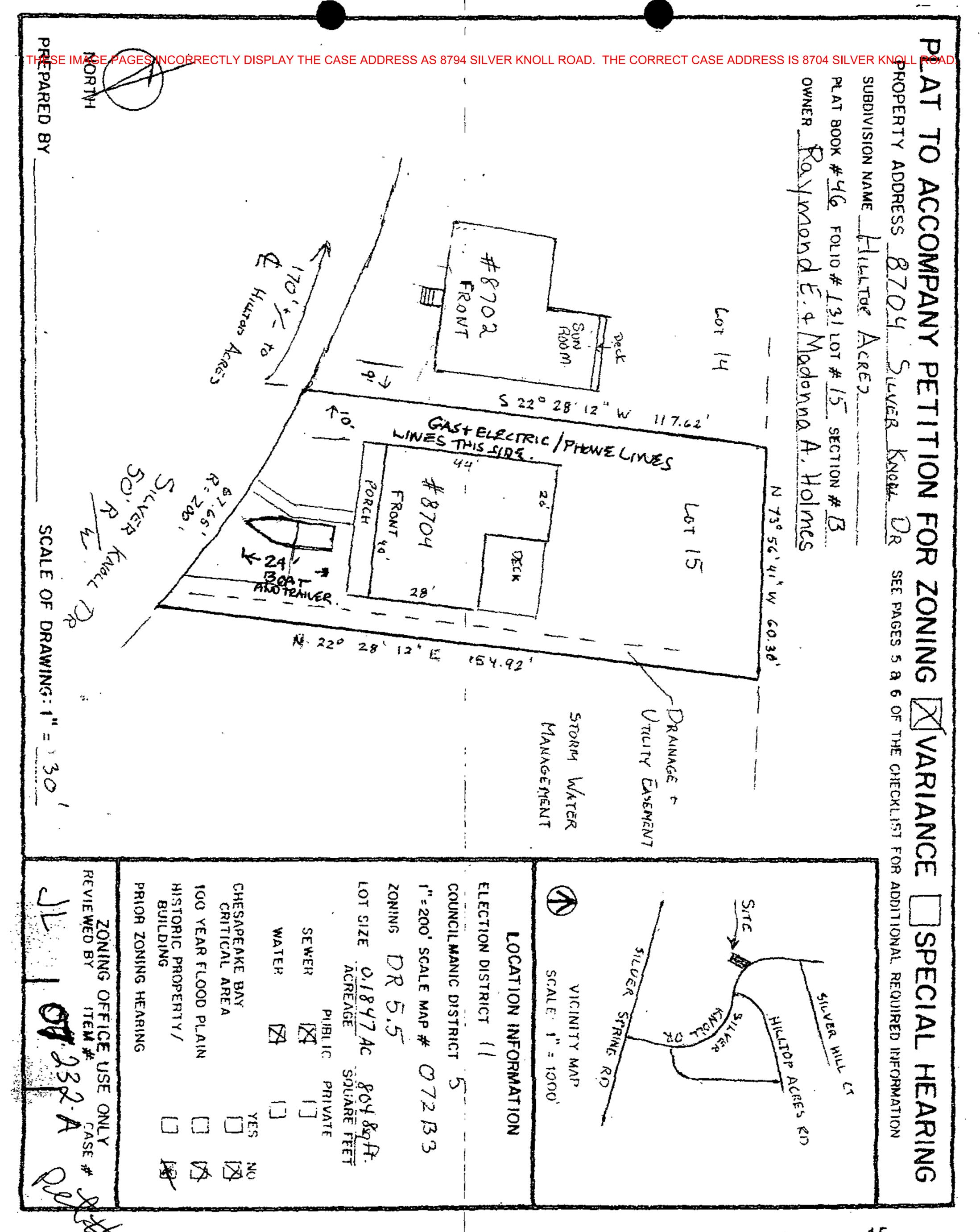
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From: "Kristin Triplett" < ktriplett@stkcpa.com>

To: <hactppv@comcast.com>
Cc: <hactppv@comcast.net>

Sent: Wednesday, January 31, 2007 11:16 AM

Subject: February 1st meeting

Hello -

Unfortunately I cannot attend the meeting on February 1st due to out of town work. However, I am very interested in this situation. I live in the townhouses on Jessica Lane and there is definitely a parking issues in front of the townhouses, especially since neighbors of mine have more than two cars. If zoning is changed I am sure this situation will worsen. The thing I love about my neighborhood is that it is beautiful and quiet. However I fear that if zoning changes there will be boats, motor homes, etc. in front of houses which will cause the look of the neighborhood to change and also the property values.

Good luck at the meeting and please keep me informed.

Kristin Triplett 8634 Jessica Lane



From:

"Ashenfelter, Darlene" < Darlene. Ashenfelter@dcma.mil>

To:

<hactppv@comcast.net>

Sent: Subject: Tuesday, January 30, 2007 10:52 AM Zoning Variation for 8704 Silver Knoll Drive

I received your flier on my door concerning the Zoning Variation requested for 8704 Silver Knoll Drive.

I'm unable to be at the hearing because of work, but would like to voice my objection to granting this variation by way of this e-mail. I feel as though if this variation is granted, property values will be lowered and parking will become a problem.

Dee Ashenfelter 8722 Silver Knoll Drive

THESE IM<mark>AGE PAGES INCORRECTLY DISPLAY THE CASE ADDRESS AS 8794 SILVER KNOLL ROAD. THE CORRECT CASE ADDRESS IS 8704 SILVER KNOLL ROAD</mark>

From:

"Ashenfelter, Darlene" < Darlene. Ashenfelter@dcma.mil>

To:

"Hilltop Acres Cmty To Protect Property Values" hactppv@comcast.net

Sent:

Wednesday, January 31, 2007 9:42 AM

Subject:

RE: Zoning Variation for 8704 Silver Knoll Drive

I called Kristen Matthews about this, she said she couldn't take anything over the phone and suggested I attend the hearing. When I told her I couldn't because of work, she said to fax my feelings to the Zoning Commission.

My e-mail below to you is what I'm submitting.

By the way, when I told her the address was 8704, their records indicate 8794.

From: Hilltop Acres Cmty To Protect Property Values [mailto:hactppv@comcast.net]

Sent: Tuesday, January 30, 2007 11:24 AM

To: Ashenfelter, Darlene

Subject: Re: Zoning Variation for 8704 Silver Knoll Drive

Thanks you for the email. Please call the contact person for this hearing to voice your opinion:

410-887-3391 Kristen Matthews

I will report your feelings at the hearing.

--- Original Message ---From: Ashenfelter, Darlene
To: hactppv@comcast.net

Sent: Tuesday, January 30, 2007 10:52 AM

Subject: Zoning Variation for 8704 Silver Knoll Drive

I received your flier on my door concerning the Zoning Variation requested for 8704 Silver Knoll Drive.

I'm unable to be at the hearing because of work, but would like to voice my objection to granting this variation by way of this e-mail. I feel as though if this variation is granted, property values will be lowered and parking will become a problem.

Dee Ashenfelter

8722 Silver Knoll Drive

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From:

<janice.t.riordan@verizon.com>

To:

<a href"><a href"><a hre

Cc:

hactppv@comcast.net Wednesday, January 31, 2007 9:34 AM

Sent: Subject:

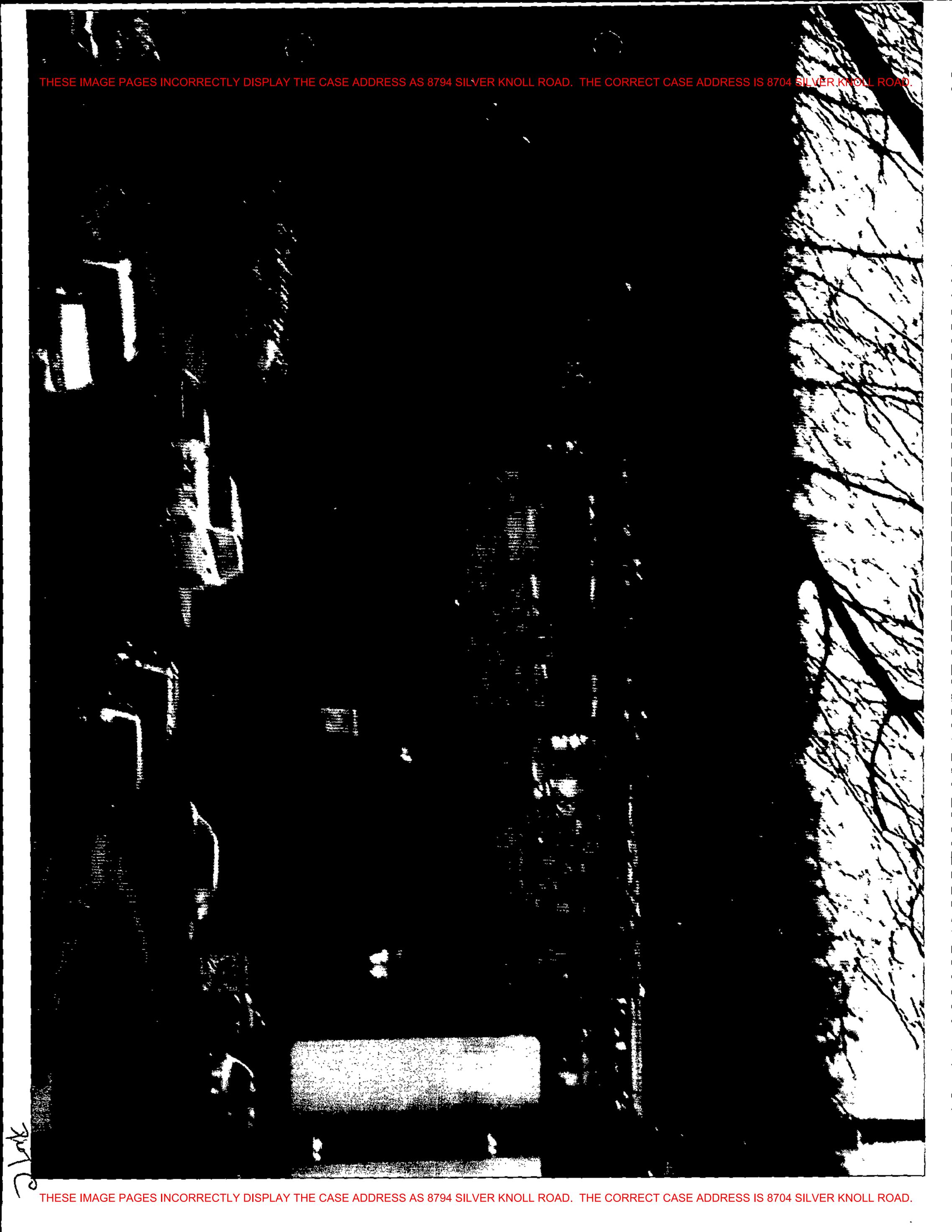
8704 Silver Knoll

Thank you for providing the information about the zoning variation request.

We are strongly opposed to this zoning variation and have expressed this concern to Vince Gardina.

Unfortunately, we are not able to attend the hearing tomorrow.

Thank you, Janice Riordan Richard Feild 40 Silver Hill Court 410-931-1147



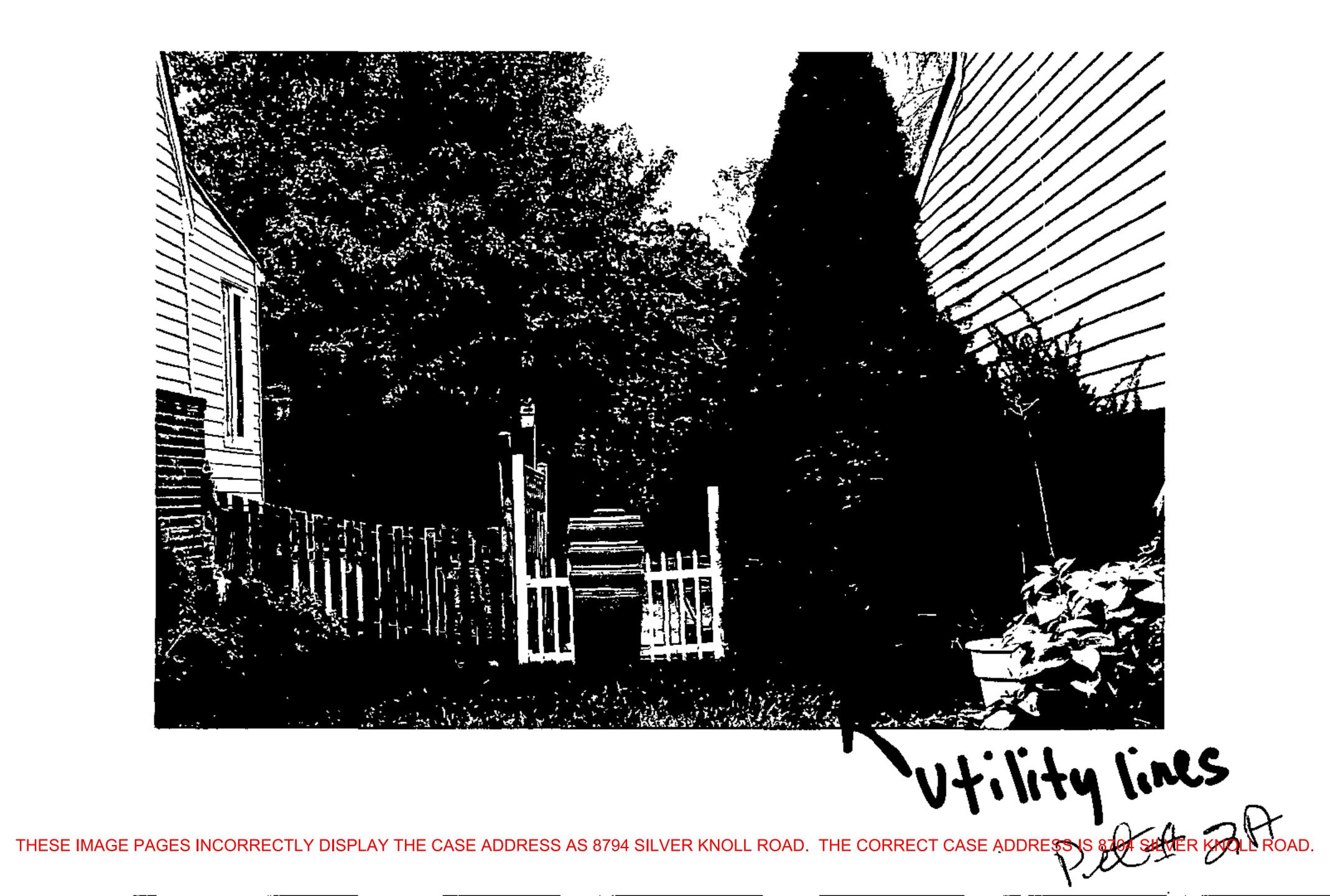


8204 Silver Knoll Br. 2/128

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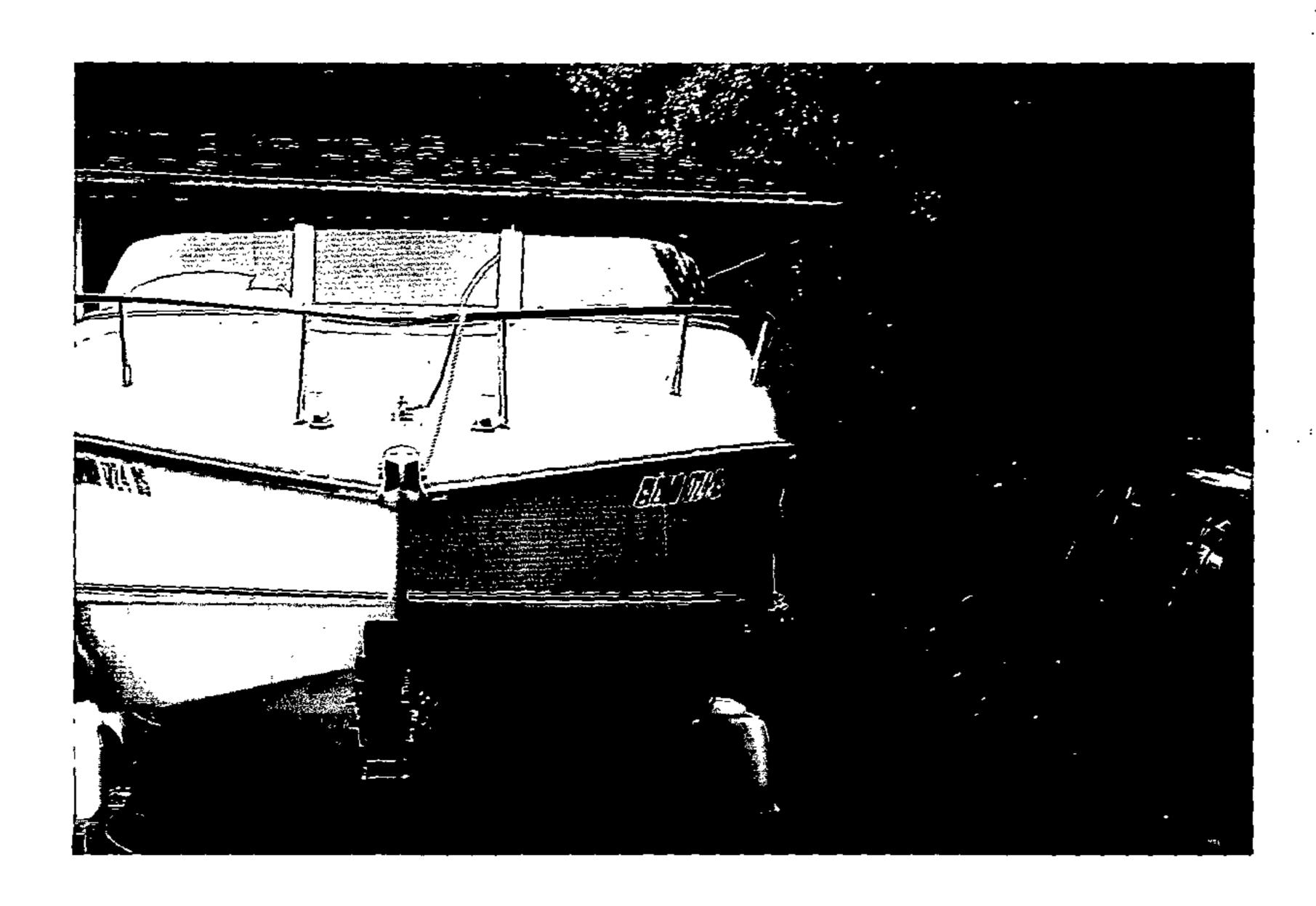












Raymond E. Holmes Madonna A. Holmes 8704 Silver Knoll Dr Perry Hall, MD 21128

Zoning Description for 8704 Silver Knoll Dr. 21128

Beginning at a point on the south side of Silver Knoll Dr. which is 50 feet wide at the distance of 170 ft +/- of the centerline of the nearest improved intersecting street

Hilltop Acres Rd which is 50 ft wide. *Being Lot # 15, Section # B in the subdivision of Hilltop Acres as recorded in Baltimore County Plat Book # 46, Folio # 131, containing

8048 sq ft / 0.1847 acres. Also known as Silver Knoll Dr. and located in the 11th Election District,

737

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 16, 2007 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Holmes 8704 Silver Knoll Drive Perry Hall, MD 21128 410-931-1988

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: 07-232-A

8794 Silver Knoll Drive S/side of Silver Knoll Drive, 170 feet west of Hilltop Acres Road 11th Election District – 5th Councilmanic District Legal Owners: Raymond & Madonna Holmes

<u>Variance</u> to permit a recreational boat and trailer in the front yard in lieu of the required side or rear yard.

Hearing: Thursday, February 1, 2007 at 10:00 a.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.