IN RE: PETITION FOR ADMIN. VARIANCE
N side Bird River Grove Road, 3870
feet N and E c/l Ebenezer Road
15th Election District
6th Councilmanic District
(11238 Bird River Grove Road)

Yvonne Meneghin Petitioner BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

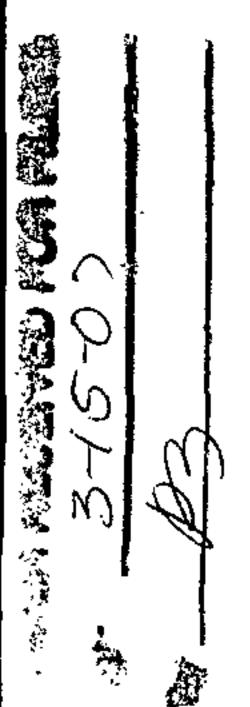
* CASE NO. 07-299-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Yvonne Meneghin. The variance request is for property located at 11238 Bird River Grove Road. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed new dwelling to have side yard setbacks of 8 feet and situated 59.5 feet from the centerline of a street in lieu of the required 35 and 75, respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Administrative Variance, the subject site was posted on January 13, 2007. While no protests were received from the neighbors, the case was set for public hearing by this Deputy Zoning Commisioner under the circumstances.

The property was posted with Notice of the public hearing on February 28, 2007 according to the Petitioner as shown in the photograph in the file for 15 days prior to the hearing. In addition, a Notice of Zoning the public hearing was published in "The Jeffersonian" newspaper on March 6, 2007 to notify any interested persons of the scheduled hearing date and relief requested.



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 Bureau of Development Plans Review dated January 11, 2007 which contains restrictions, and the Department of Environmental Protection and Resource Management dated February 15, 2007 which contains restrictions. Copies of these documents are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing in support of the requests were Bernadette Moskunas from Site Rite Surveying, Inc., who prepared the site plan, Henry Kacher, builder, and Yvonne Meneghin, Petitioner. There were no protestants or citizens at the hearing.

Applicable Law

323

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."

Testimony and Evidence

The subject waterfront property contains 7,120 square feet zoned RC 2 and is improved by the Petitioner's home and garage as shown on Exhibit 1 and photographs Exhibit 2. This property is lot 17 of the Bird River Grove subdivision which was recorded in the land records in 1925 as shown by Exhibit 2. The lot is 40 feet wide by 178 feet deep.

The Petitioner proposes to replace the existing modest summer cottage with a new modern home as shown. She will live in the existing structure until the new home is completed and then raze the existing structure. At that point she will also add the deck shown on Exhibit 1. The new home will meet Chesapeake Bay Critical Area and waterfront flood regulations and as such will have to be raised above the flood level eventually to a height of 34 feet.

Ms. Moskunas indicated that replacement of summer cottages with modern flood proof homes was going on along the waterfront as shown in photograph Exhibit 4 so that the new home would be compatible with the community. She presented letters of support from neighbors on both sides of the property.

In regard to the traditional request for 10 foot side yard setbacks for waterfront homes, Ms. Moskunas indicated that the lot is only 40 feet wide, the existing house is 24.5 feet wide, the new house will be 24 feet wide and opined that this was the minimum width that the Petitioner would find practical. To meet the 10 foot side yard setback on this lot the house would have to be only 20 feet wide which would be the size of a town home. She opined that such a narrow home would not be compatible with this single family dwelling neighborhood. In further support of her contention that the proposed home would be compatible, she presented aerial photographs of the neighborhood pointing out the modern flood proof homes already constructed which are similar to that proposed.

Findings of Fact and Conclusions of Law

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At the outset I explained the basis for this Commission's Policy that new homes especially on the waterfront require public hearing and should not be processed administratively even if they are replacement homes. These new homes replace very modest single story cottages with structures starting 10 feet off the ground to avoid flood damage and then rising several stories beyond. The impact of these new homes can be substantial especially for neighbors and water view property behind the proposed home. Also in this case the Petitioner requested side yard setback of 8 feet whereas we normally require 10 feet for emergency access from the road to the water.

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 subdivision and the subject lot was created much before the zoning was imposed on the area. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. Consequently I find the property unique in a zoning sense.

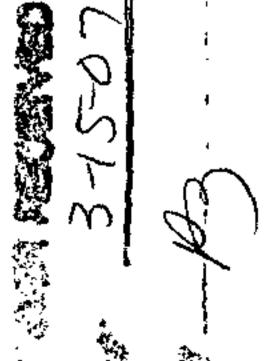
I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly nothing can be built with 50 foot side yard setbacks but we traditionally require 10 foot setback for these older lots. However in this case the lot is only 40 feet wide and 10 foot setback would result in an impractically narrow home. I believe 8 feet on each side will protect the public in case of emergency.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as this is a replacement home.

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. The pattern of development shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood. There are many replacement homes in the area. The adjacent neighbors support the request.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.
- 2. The Petitioner shall modify exhibit 1 to reflect the minimum right-of-way for Bird River Grove Road to be 40 feet centered on existing 25 foot right of way.
- 3. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
- 4. The flood protection elevation for this site is 11.2 feet.
- 5. 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.
- 6. 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.
- 7. The building engineer shall require a permit for this project.
- 8. 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.



- 10. 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).
- 11. The building permit will be subject to further review for compliance with CBCA regulations once submitted to DEPRM.

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

3-(5-0) 5



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 15, 2007

YVONNE MENEGHIN 11238 BIRD RIVER GROVE ROAD WHITE MARSH MD 21162

Re: Petition for Administrative Variance - Formal Hearing

Case No. 07-299-A

Property: 11238 Bird River Grove Road

Dear Ms. Meneghin:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative 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

for Baltimore County

JVM:pz

Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286



CSC FLOOD Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

THE YEAR OF THE PARTY OF THE PA	for the prop	erty located at $\frac{112}{2}$ which is pr	esently zoned	RC2
his Petition shall be filed with the Depa wner(s) of the property situate in Baltimon and made a part hereof, hereby petition for	a Variance from Sect	nd Development Mailis described in the detion(s)	nagement. The undescription and plat a	dersigned, legal attached hereto
proposed dwelling to have 591/2 Feet from the c	side yard	setbacks of	8 feet and	situated
		a streel 1	n lieu of t	he required
35 and 75, respectively	<i>;</i> .		for the rescens i	ndicated on the
of the zoning regulations of Baltimore Coupack of this petition form.	unty, to the zoning la	w of Baltimore Count	y, for the reasons i	-
Property is to be posted and advertised as , or we, agree to pay expenses of above Varian regulations and restrictions of Baltimore County	prescribed by the zon nce, advertising, posting y adopted pursuant to the	ne zoning law for Baltime		
		I/We do solemnly declar perjury, that I/we are the is the subject of this Pe	le legai owner(s) or ur	he penalties of e property which
Contract Purchaser/Lessee:	-	Legal Owner(s):		
		Yvonne Menegh	in	
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Signature		Signatule // Civil C	yeneabing.	
Address	Telephone No.	Name - Type or Print		. <u></u>
City	Zip Code	Signature 11238 Bird Riv	er Grove Road	(410 <u>)</u> 419–148
Attorney For Petitioner:		Address White Marsh	MD	Telephone No. 21162
Name - Type or Print	City	WHITCE Harsh	State	Zip Code
		Representative to	be Contacted:	
Signature		Site Rite Surv	eying, Inc.	
Company		Name 200 E. Joppa R	oad, Room 101	(410) 828-906 Telephone No.
Address	Telephone No.	Address Towson	MD State	21286 Zip Code
City	Zip Code	City		
A Public Hearing having been formally demanded day of that the se of Baltimore County and that the property be reposted.	d Dioor tractor or an all	uired, It is ordered by the be set for a public hearing, a	Zoning Commissioner of advertised, as required by	the zoning regulations
		Zoning Commi	ssioner of Baltimore Coun	ty
CASE-NO. 07-299-A	Reviewed By	<u>///</u> 00	1 1/2/07	_ _
REV 9/15/98	Estimat	red Posting Date	14/07	. <u> </u>



Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at	11238	Bird River	Grove Road	
mat the Amant(s) does/do presently reside at	Address	Manah	MD	21162
	City	<u>Marsh</u>	State	Zìp Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardshi	ip or practic	ai difficulty):		
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Rd Laway From wa	ter)	for pu	rpose of	the
environment. Myl	New h	one.w	ill be New	, meeting o
dodes of Baltimore	Coun	ty an	d Water Fr	ont area
building requirments land or lots on each s	s. Th	is will	not effect	- My Neigh
land or lots on each s	ide o	tme. 0	nly improvin	19 My area
and area in which I 1	100 -			•
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide signature Tyonne Meneghin	additional in	formation. Signature		,
Name - Type or Print	Na	me - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this 27 day of State of Maryland, in and for the County aforesa	Mac	1	∂or 6, before me, a	Notary Public of the
the Affiant(s) berein personally known or satisf	factorily ider	tified to me as	such Affiant(s), and made	e oath in due form of cowledge and belief.
law that the matters and facts hereinabove set f	iorat are truc	s and conscito	uie desi di ilistilettuleli ki	tottoda ana nomi.
AS WITNESS my hand and Notarial Seal) (de)	- · · · · · · · · · · · · · · · · · · ·
Date NOTARY PUT Anne Arundel C State of Mary My Commission	Cunty My	ctary Public Commission E	xpires Man	15010

March 1, 2010

REV 09/15/98



Affida Vit in Support of Administrative Variance

Address

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

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

11238 Bird River Grove Road

	White Marsh	MD State	21162 Zîp Code
That based upon personal knowledge, the following Variance at the above address (indicate hard	lowing are the facts upon wh		,
I would like to build	my New home	closer to	Bird River G
Rd - (away from water) For purpose	of the e	Wurronment.
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County And Water Fr	ont area bui	lding regu	ir ments.
This will not effect	my Neighbor	's land or	lots of each
side of me, only in	1 proving My	1 areallot) and the
area in which I liv	'e '	•	
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, Affi de additional information.	ant(s) will be required	to pay a reposting and
Signature	- Signature		
Yvonne Meneghin Name - Type or Print	Name - Type or Print		
STATE OF MARYLAND, COUNTY OF BALL I HEREBY CERTIFY, this 27 day of _ State of Maryland, in and for the County afore Worner Meneghin	Klec	2006, before me	e, a Notary Public of the
the Afficiation barroin perconally known or sa	tisfactorily identified to me as	s such Affiant(s), and the	made oath in due form of
law that the matters and facts hereinabove so	et torth are true and correct to	ne best of hishlethin	ell Klipwiedde guid pouci.
AS WITNESS my hand and Notarial Seal	M. Casey	Pl	
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REV 09/15/98



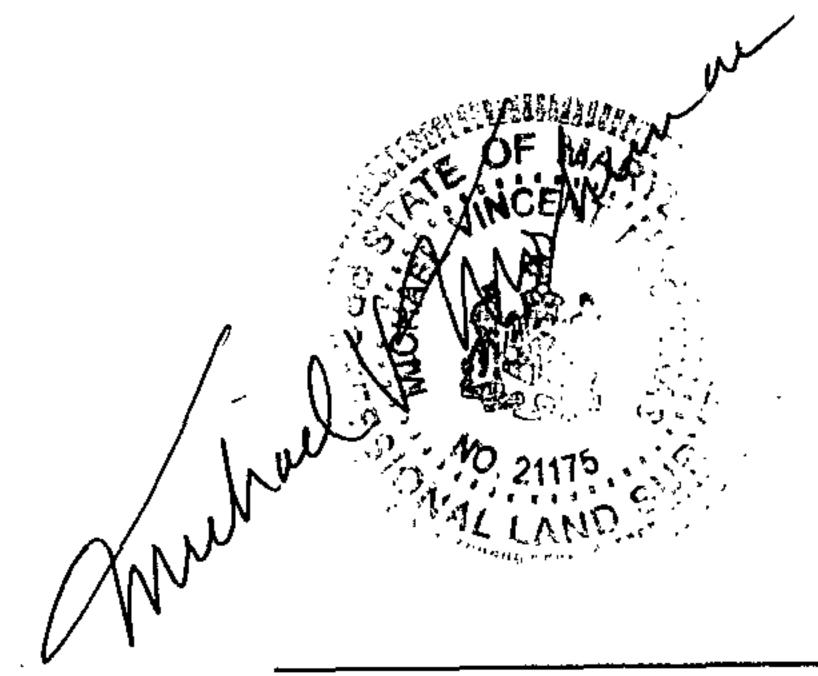
CBCA FLOOD Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

THE VIATE OF THE PARTY OF THE P	for the prop	erty located at <u>112</u> which is pr	238 Bird River esently zoned	Grove Road RC2
This Petition shall be filed with the Department Swner(s) of the property situate in Baltimore Count and made a part hereof, hereby petition for a Vari	it of Permits ar unty and which lance from Sect	nd Development Mai	nagement. The und	lersigned, legal
owner(s) of the property situate in Baltimore Country and made a part hereof, hereby petition for a Variable proposed dwelling to, have some 591/2 fect from the center	r line of	setbacks of fastreet ii	8 feet and lieu of th	e required
35 and 75, respectively	;			
of the zoning regulations of Baltimore County, to back of this petition form.	o the zoning la	w of Baltimore Coun	ty, for the reasons i	ndicated on the
Property is to be posted and advertised as prescr I, or we, agree to pay expenses of above Variance, ac regulations and restrictions of Baltimore County adopt	ribed by the zon lvertising, posting led pursuant to th	e zoning law for Baltim		
		I/We do solemnly declar perjury, that I/we are the is the subject of this P	ie legal owner(s) or illi	ne penaities of e property which
Contract Purchaser/Lessee:		Legal Owner(s):		
		Yvonne Menegh	in	
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Signature				<u></u>
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City	Zip Code	Signature	· ·	(410) <u>419-1</u> 486
Attorney For Petitioner:		11238 Bird Riv	er Grove Road	Telephone No.
		White Marsh	MD	21162 Zip Code
Name - Type or Print	City	Representative to	State o be Contacted:	Zip Godo
Signature		Site Rite Surv	eying, Inc.	
Company		Name 200 E. Joppa F	load, Room 101	(410) 828-906 Telephone No.
Address	hone No.	Address	MD	21286
City	Zip Code	Towson	State	Zìp Code
	r found to be requalition	uired, it is ordered by the be set for a public hearing,	Zoning Commissioner of advertised, as required by	Baltimore County, this the zoning regulations
		Zoning Comm	ssioner of Baltimore Coun	ty
CASE NO. 07-299-A	Reviewed By	K-2-12 D	10 1/2/0	7
REV 9/15/98	_	ed Posting Date	/4/07	
WITH RECEIVED FOR	Pi. Com			-



BEGINNING at a point on the north side of Bird River Grove Road which is 25 feet wide at the distance of 3,870 feet northeast of the centerline of Ebenezer Road which is 50 feet wide. Being Lot #17, Section #A in the subdivision of "Bird River Grove" as recorded in Baltimore County Plat Book #7, Folio #189, containing 7,120 S.F. Also known as #11238 Bird River Grove Road and located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson MD 21286 (410) 828-9060

File: 11238 Bird River Grove.doc

Item# 299

S STRIFTGATION LINCOURT. ANEOU BUDGE BALTIMORE CO DISTRIBUTION ** OFFICE OF

NOTICE OF ZORING HEARING

The Zonlng Commissioner of Baltimore Gounty, by authority of the Zonlng Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #07-299-A

11238 Bird River Grove Road 15th Election District 6th Councilmanic District Legal Owner(s): Yvonne Meneghin.

Variance: to permit a proposed dwelling to have side yard setbacks of 8 feet and situated 59.5 feet from the centerline of a street in lieu of the required 35 and 75, respectively.

Hearing: Thursday, March 15, 2007 at 11:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue, nue, 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 0ffice at (410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zonling Review Office at (410)
887-3391.
JT 3/639 Mar. 6 127053

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that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY 2 once in each of Ö

The Jeffersonian

Firnes Arbutus Times Catonsville 1

Towson Times

Owings Mills Times

/Reporter NE Booster/

North County News

Wullus

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	Date of Hearing/Closing: 1-25-0
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Christen Matthews	
Ladies and Gentlemen: This letter is to certify under the p	enalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the propery	y located at
# 11238 BURD RIVER	Gnovo ROAD
The sign(s) were posted on	2.0.0 7 (Month, Day, Year)
	Sincerely, Barland Dave (Signature of Sign Poster and Date)
	CARLAGEDE, MOORE (Printed Name)
	3225 RYGIZSON CIRCLE (Address)
	BALTIMORE, MD, 21227 (City, State, Zip Code)
	(Telephone Number)

RE: Case No.: 07-299-A

Petitioner/Developer: MENEGHIN







JAMES T. SMITH, JR. County Executive

February 27, 2007 TIMOTHY M. KOTROCO, 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: 07-299-A

11238 Bird River Grove Road

15th Election District – 6th Councilmanic District

Legal Owner: Yvonne Meneghin

Variance to permit a proposed dwelling to have side yard setbacks of 8 feet and situated 59.5 feet from the centerline of a street in lieu of the required 35 and 75, respectively.

Thursday, March 15, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Beware the Ides of March!

Timothy Kotroco

Director

TK:klm

C: Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286 Yvonne Meneghin, 11238 Bird River Grove Road, White Marsh 21162

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 28, 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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 299 -A Address 11238 Bird River Grove Rd

		•	lease Print Your Name		Phone Number:			
Filing	Date: 1/	2/07	Posting	Date: 1/14/07	Closing Date	e: 1/29/07		
Any co	ontact made h the contac	e with this office of person (plann	ce regarding the ca	e status of the ac se number.	lministrative varian	ce should be		
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3.	commission order that (typically w	ner. He may: the matter be ithin 7 to 10 day	(a) grant the re set in for a pu ys of the closing	quested relief; (b) blic hearing. You date) as to wheth	by the zoning or deny the requested will receive writted er the petition has to you by First Class	d relief; or (c) en notification been granted,		
4.	4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.							
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Petitic	oner: This	Part of the For	m is for the Sig	n Poster Only				
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	_ 				WCR	- Revised 6/25/04		

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.



JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 20, 2007

YVONNE MENEGHIN 11238 BIRD RIVER GROVE ROAD WHITE MARSH MD 21162

Re: Petition for Administrative Variance

Case No. 07-299-A

Property: 11238 Bird River Grove Road

Dear Ms. Meneghin:

Your request for Administrative Variance has been given to me for review. I first note that it is very unusual to request a variance to build a new home by administrative variance. This process is ordinarily limited to minor additions and decks which do not meet the current regulations. You are requesting relief that can have significant community impact as the new home is going to be much higher than the existing home.

I will set the matter in for public hearing in the near future.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

c: Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286 Robert David Duvall, Permits and Development Management Kristen Matthews, Permits and Development Management



JAMES T. SMITH, JR. County Executive

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

January 29, 2007

Yvonne Meneghin 11238 Bird River Grove Road White Marsh, MD 21162

Dear Ms. Meneghin:

RE: Case Number: 07-299-A Comments, 11238 Bird River Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 2, 2007.

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.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson 21286

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

January 12, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 15, 2007

Item Number: 296 through 299 and 301 through 306

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: January 11, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 15, 2007 Item No. 07-299

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Bird River Grove Road, centered on existing 25-foot right-of-way. Setback shall be adjusted accordingly.

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 07-299-01112007.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 15, 2007

SUBJECT:

Zoning Item # 07-299-A

Address

11238 Bird River Grove Road

(Meneghin Property)

Zoning Advisory Committee Meeting of January 8, 2007

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 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).

X 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).

Additional Comments:

The building permit will be subject to further review for compliance with Chesapeake Bay Critical Area regulations once submitted to DEPRM.

Reviewer:

J. Livingston

Date: February 15, 2007

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 24, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-299- Administrative Variance

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

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

Prepared By

Division Chief:,

CM/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JANWARY 8, 2007

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

RE:

Baltimore County Item No. 7-299-A 11 238 BIRD RIVER GROVE RD MENEGHIN PROPERTY

ADMINISTRATIVE VARIANCE

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. 7-299 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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 20, 2007

YVONNE MENEGHIN 11238 BIRD RIVER GROVE ROAD WHITE MARSH MD 21162

> Re: Petition for Administrative Variance Case No. 07-299-A Property: 11238 Bird River Grove Road

Dear Ms. Meneghin:

Your request for Administrative Variance has been given to me for review. I first note that it is very unusual to request a variance to build a new home by administrative variance. This process is ordinarily limited to minor additions and decks which do not meet the current regulations. You are requesting relief that can have significant community impact as the new home is going to be much higher than the existing home.

I will set the matter in for public hearing in the near future.

Very truly yours,

John'V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

c: Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286 Robert David Duvall, Permits and Development Management Kristen Matthews, Permits and Development Management From:

Patricia Zook

To:

Matthews, Kristen 🕝

2/20/2007 1:34:16 PM

Date: Subject:

Case 07-229-A (administrative variance - closed 1-29-07)

Hi Kristen -

Please see the attached letter. Jack is calling for a public hearing on this case. The County is to repost and advertise.

The file will be returned to you for safe keeping.

Thanks.

Patti Zook
Legal Secretary
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

See are - Cal Jack

See are - Cal Jack

PLEASE PRINT CLEARLY

NAME	NUMB	
CASE	CASE	DATE

CITIZEN'S SIGN-IN SHEET

* Kardreit

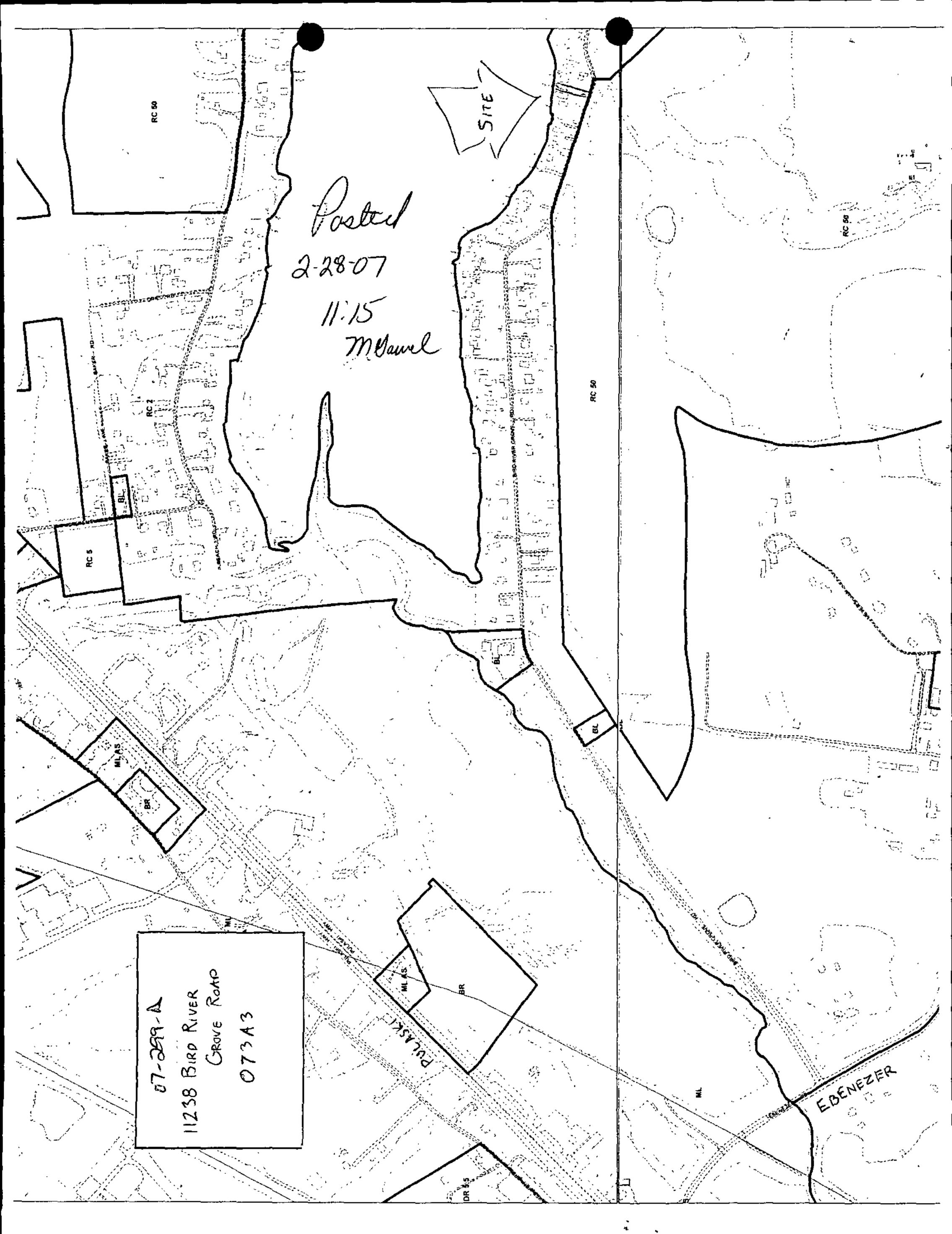
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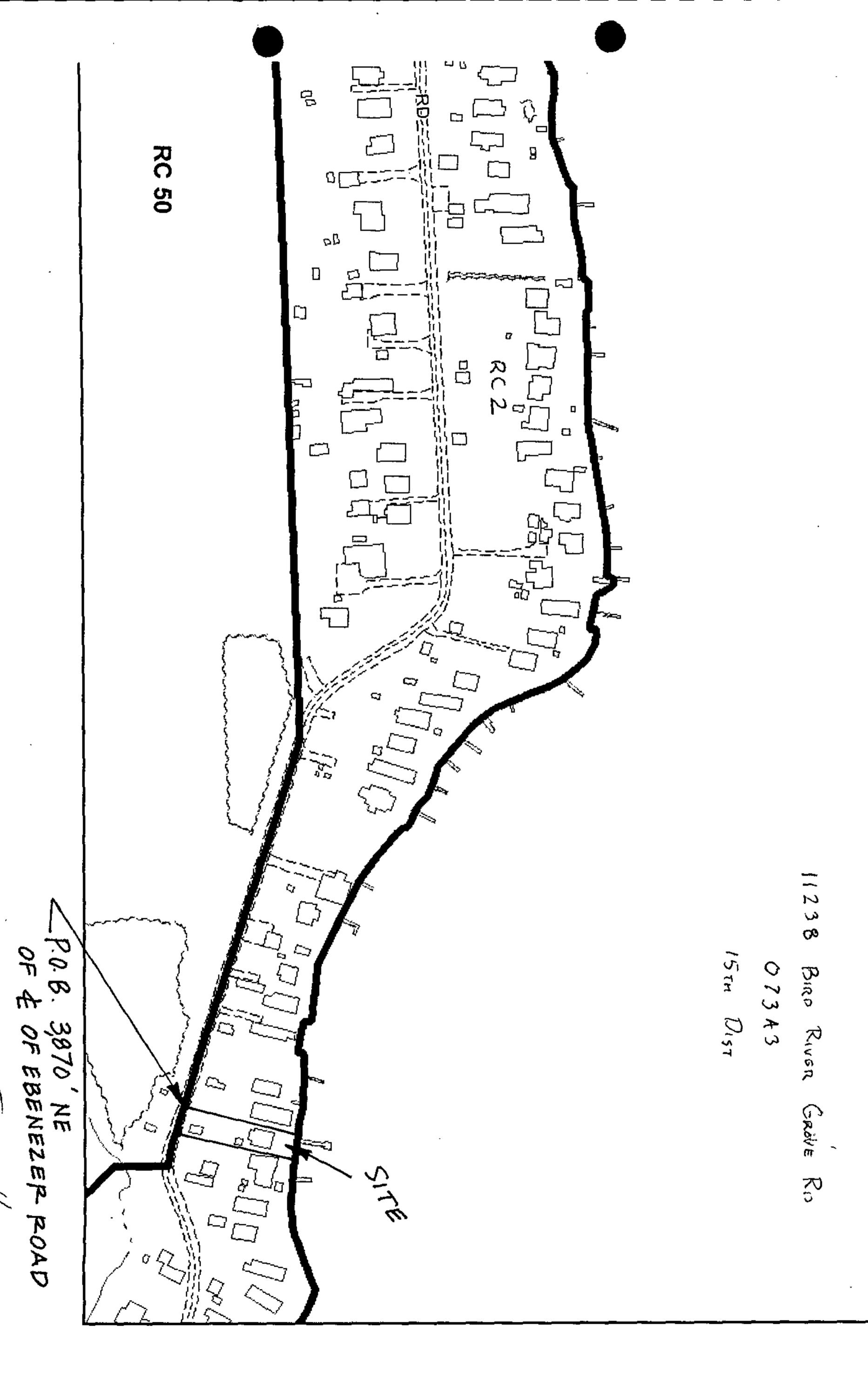
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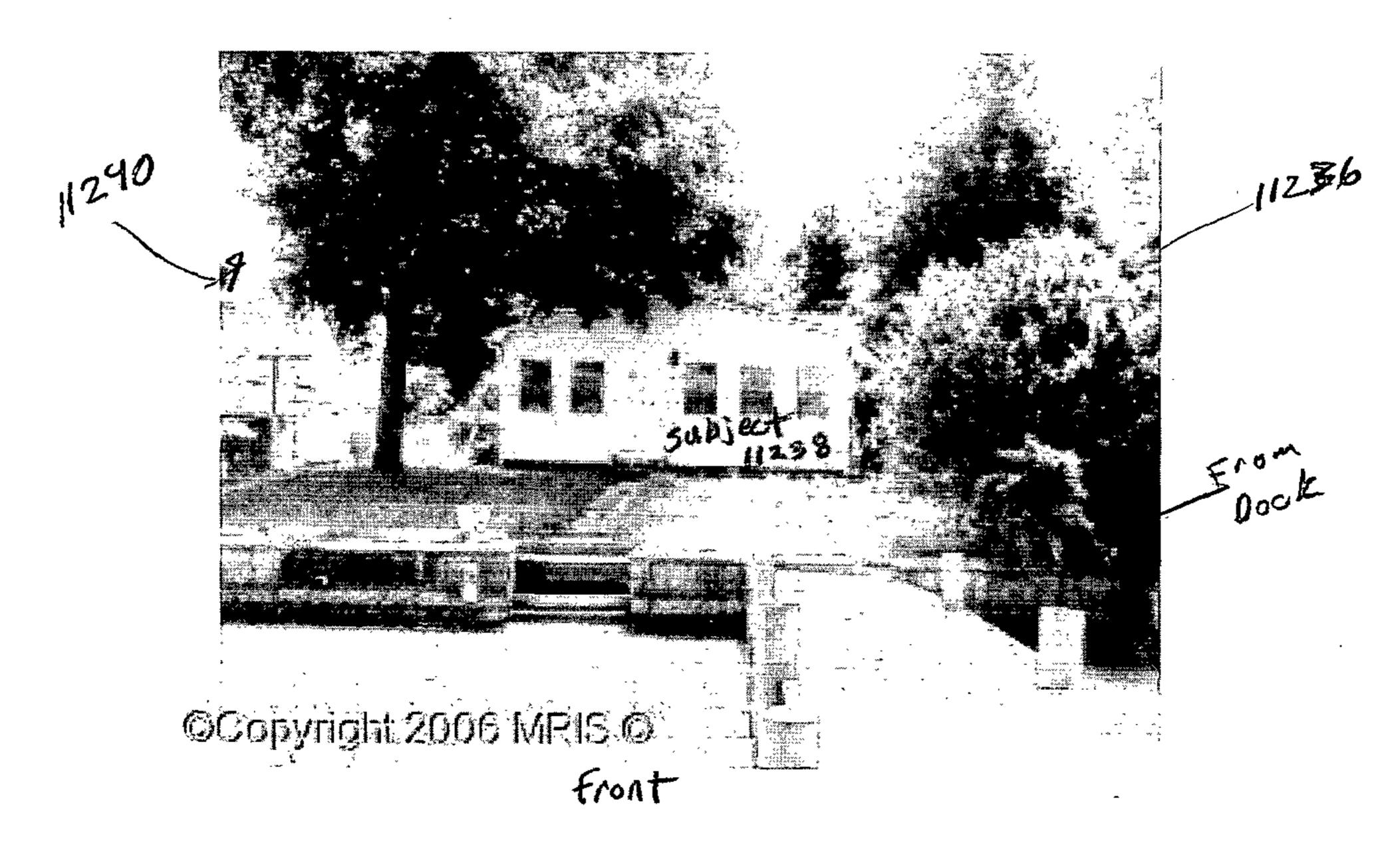
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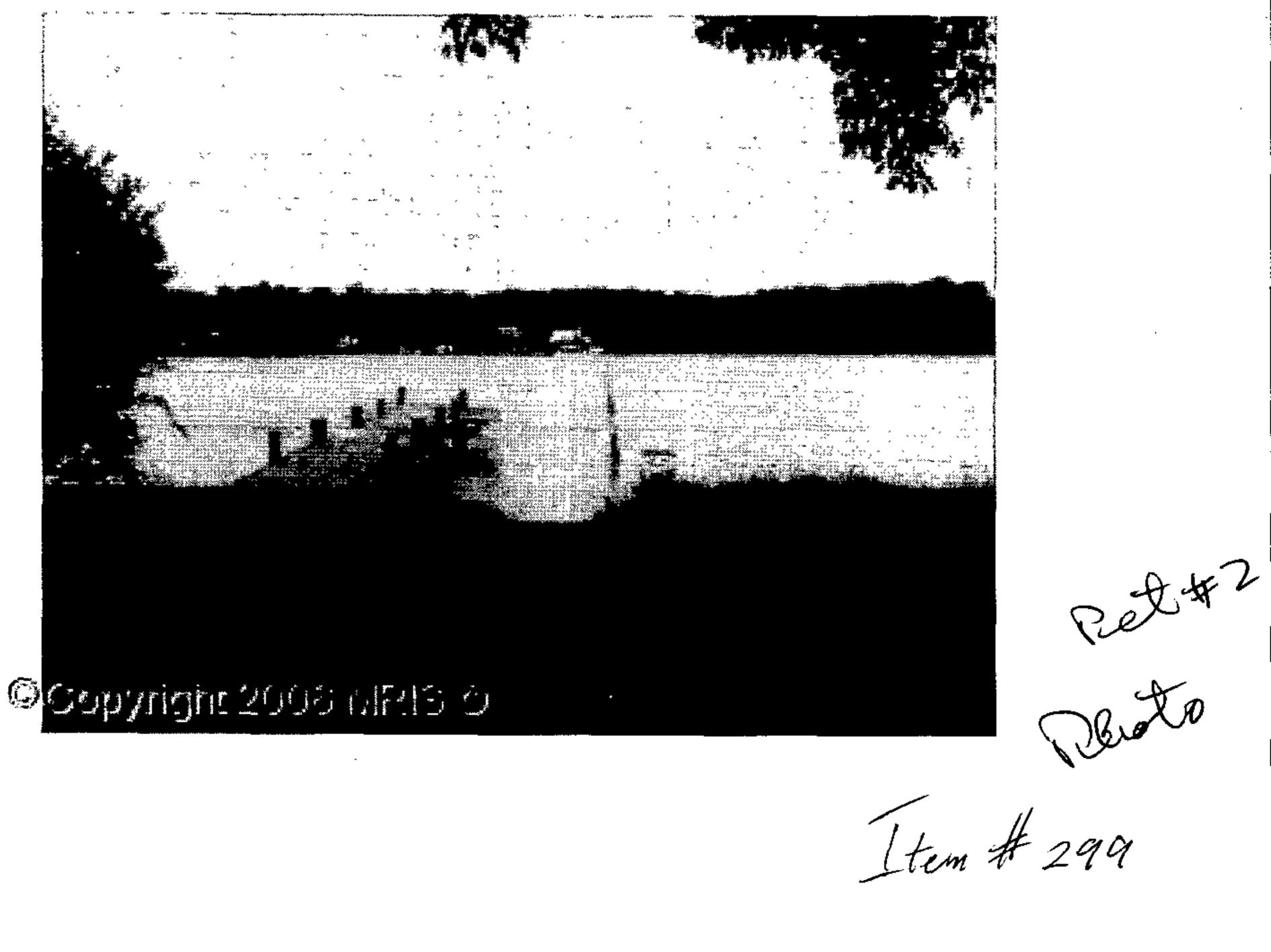
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Towson, MD 2120C White Wash 21162				
200 E. Joppa Road Room 101 11238 Bird Rove Grove				
Site Rite Summing Inc.				





299







11238 Bird River 61010 Rd Back from Rd

Itam #299

11236



Back



Bac K

Birdhiver Grove Rd



Back

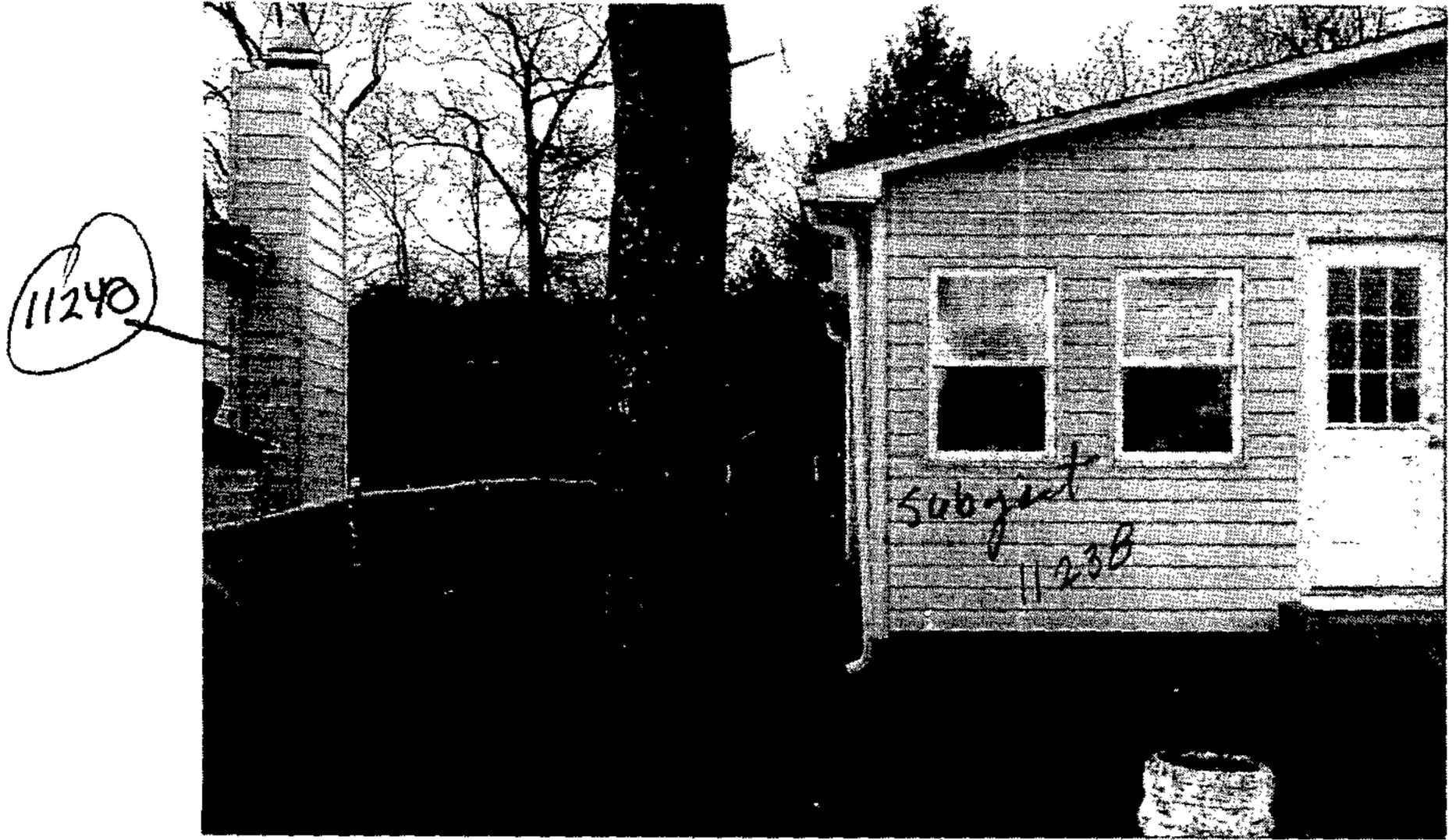


Left Backside

Bird River Grove Rd



Right Back side



Left front side - (from water)

Item# 299

Right front - (From water)



Right side - (From water)

Item#279



Rightside - (water front)



Door - Side 5

(water)

Item#299

Back



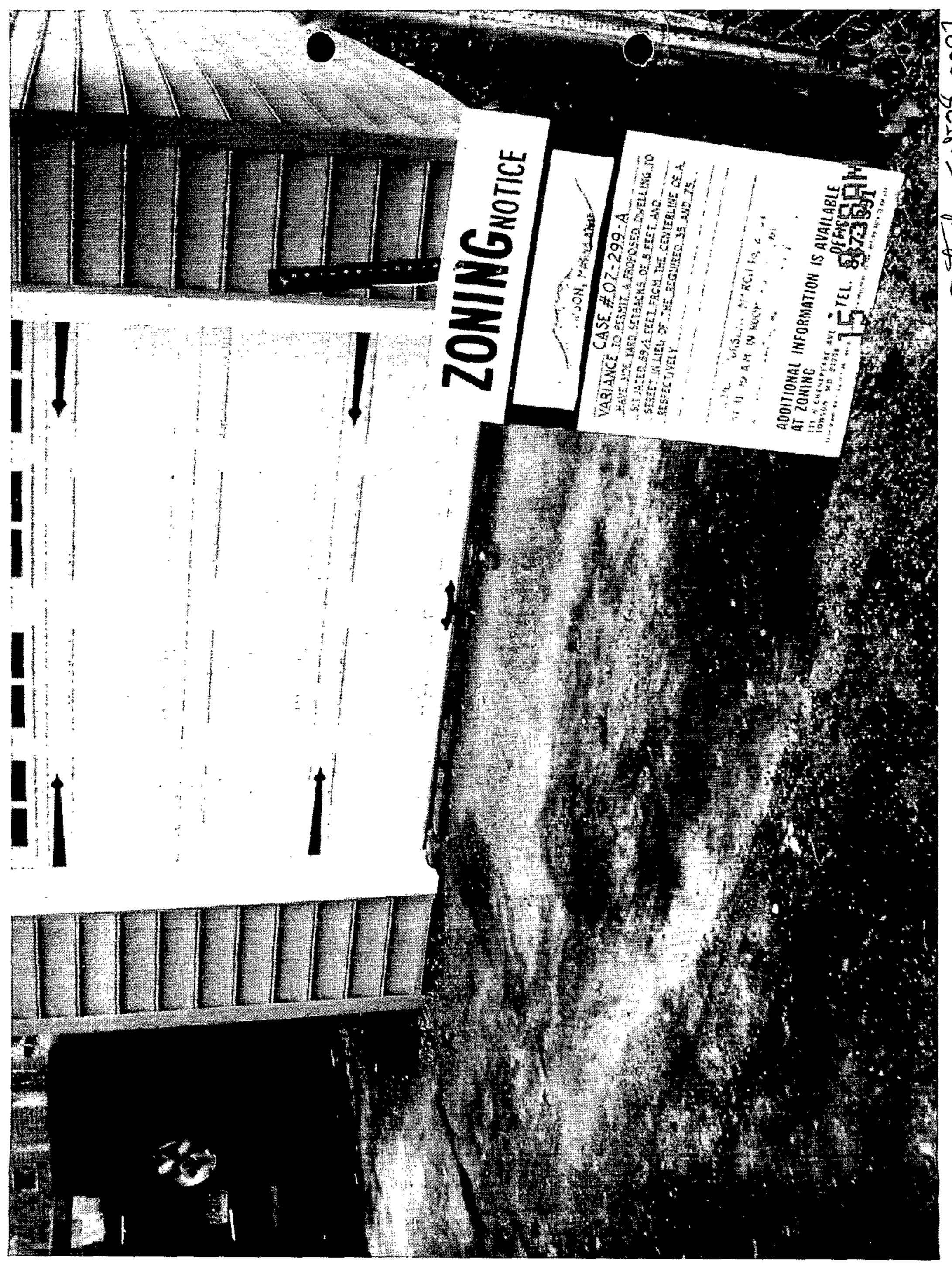
Bird River Grove Item#299

Backs

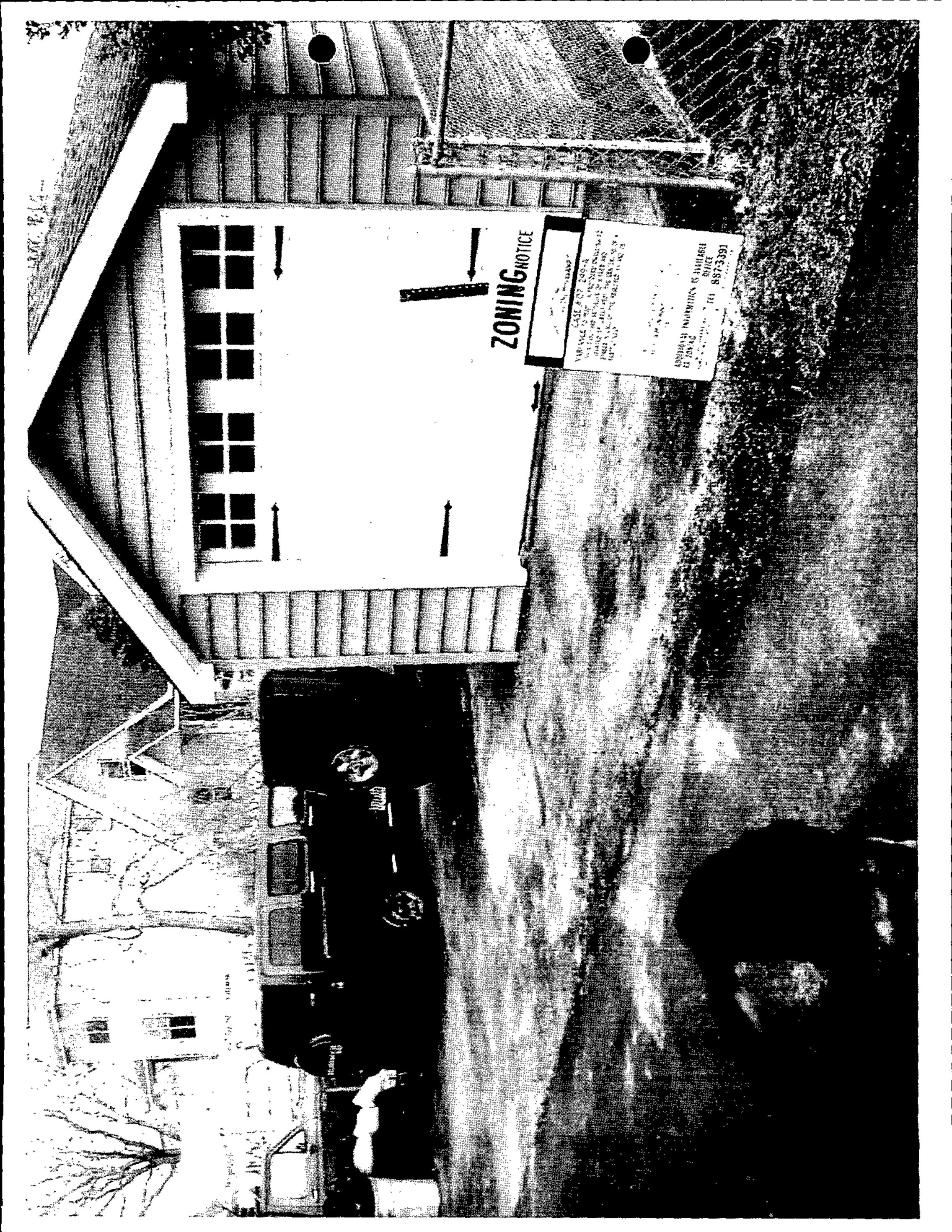


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Itom #299



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TO, MR.& MRS. LARRY MCGILTON, AT LOT #16 11240 BIRD RIVER GROVE RD, WHITE MARSH MD 21162. YVONE MENEGHIN (OWNER) OF 11238 BIRD RIVER GROVE RD IS ASKING PERMISION TO NEIGHBOR ON LOTS #16 AND #18 THAT BOARDER MY LOT #17 IF THEY OBJECT TO MY HOUSE AT 11238 BIRD RIVER GOVE RD, WHITE MARSH MD 21162 WHICH I HAVE APPLY FOR A VARIANCE TO HAVE MY NEW HOME BUILT CLOSER TO BIRD RIVER GROVE RD, AND RAZING THE EXISTING PROPERTY, IF YOU DO OBJECT PLEASE DO NOT SIGN IF FOR ANY REASON YOU DO OBJECT. IF NOT PLEASE SIGN AND DATE AND RETURN TO MYSELF. THANK YOU IN ADVANCE,

YVONNE MENEGHIN

Morne Henry 12-19-06

Jany Mc Milton -12-19-06 Carolyn mcketter 12-19-06

Jet SA

MUTUAL AGREEMENT BETWEEN AJACENT PROPERTY OWNERS

The following is an agreement reached on the above date between neighbors, Gottlieb John Fleig, property owner of 11236 Bird River Grove Road, and Yvonne Meneghin, property owner of 11238 Bird River Grove Road. Both properties are located in White Marsh area, Baltimore County, Maryland 21162. Ms. Meneghin, having recently purchased her above property asks Mr. Fleig to agree to the following since she is currently pursuing building variances for her above property:

Ms. Meneghin be granted a variance from the pertinent local county department for razing the current building on her above property.

Ms. Meneghin will maintain the current east and west set backs with her new residential building.

Ms. Meneghin be granted a variance from the pertinent local county department for erecting a new residence on her above property in an area beyond the southern wall of her current building and before reaching the road.

Ms. Meneghin be able to erect a new residential building to the height she desires on her above property.

Ms. Meneghin be able to keep her current garage on her above property no matter the location of the new building erection.

Ms. Meneghin herself agrees to the following:

Mr. Fleig be granted any future variances from the pertinent local county department for razing the current building on his above property.

Mr. Fleig be granted any future variances from the pertinent local county department to erect a new building on his above property.

Mr. Fleig be able to erect such a building to the height and location he desires on his above property.

Mr. Fleig be able to erect a garage on his desires building on his above property in whatever location he desires.

The entrance location of Ms. Meneghin's new residence building be on its eastern or southern walls.

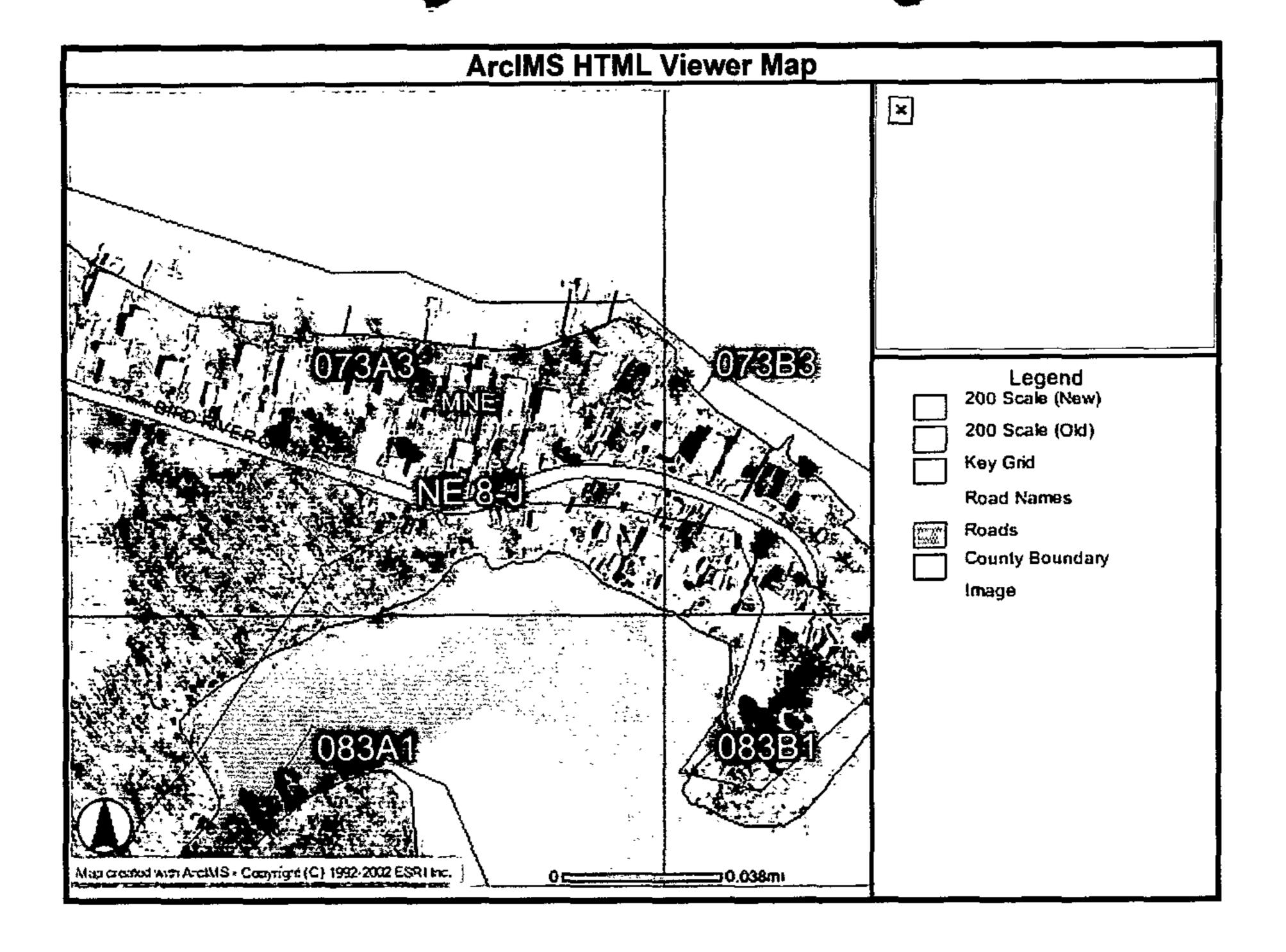
The heating/air conditioning compressor/heat pump location of Ms. Meneghin's new residence building be on/in its eastern or southern walls.

Both parties irrevocably and in perpetuity (in the event that either above property be sold, this agreement conveys with such property sale) agree to the above and affix their signatures to this agreement below:

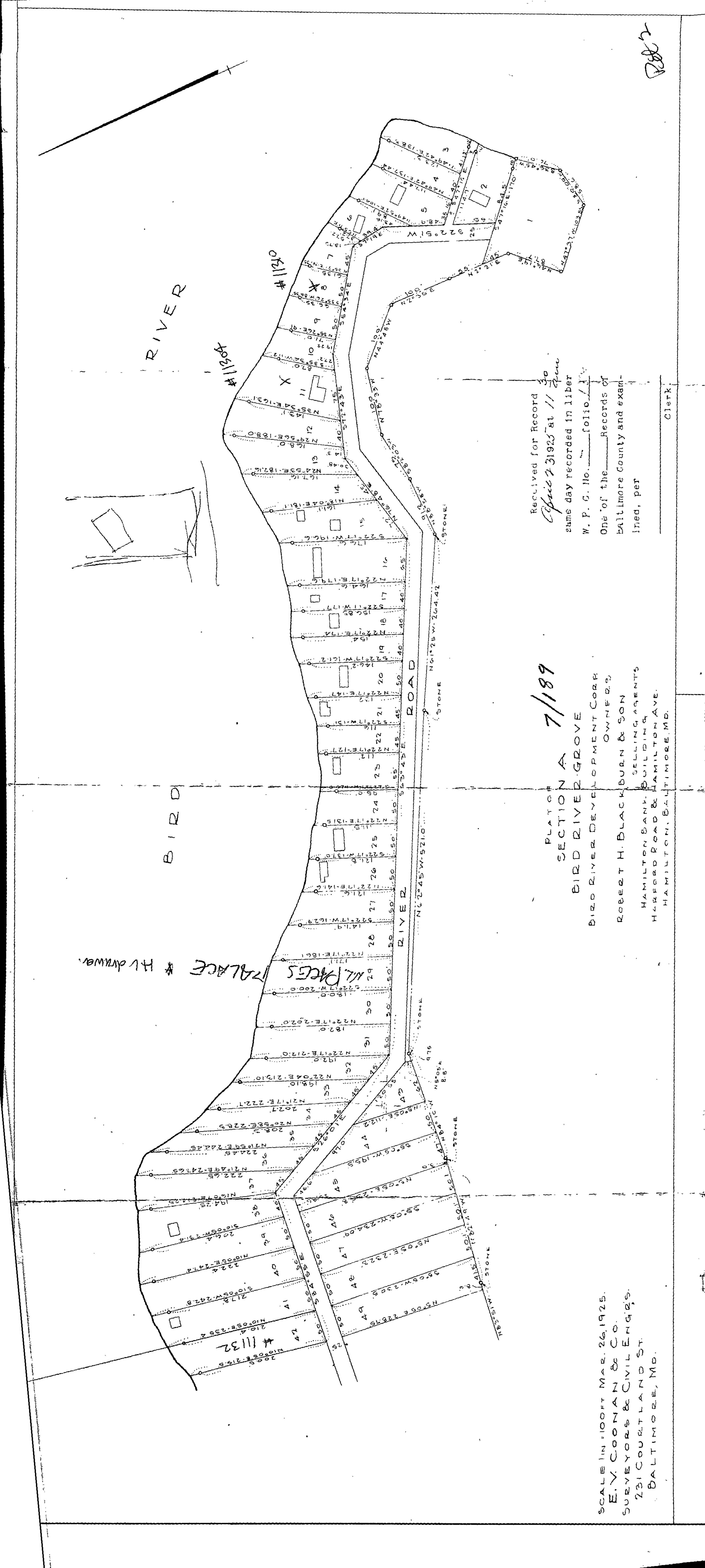
Gottlieb John Fleig

Yvonne Meneghin

AN STANKER







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