

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of St. Mary's Road, 180 feet SW
Of Tred Avon Road
15th Election District
6th Councilmanic District
(207 St. Mary's Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-335-A

Joseph P. McNerney
Petitioner

* * * * *

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, Joseph P. McNerney. The variance request is for property located at 207 St. Mary's Road. The variance request is from Section 1B02.3.C.1 to permit building additions with side setbacks as close as 9 feet in lieu of the required 10 feet, the same as the existing setback of 9 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner recently married and there are three new children in the home and additional living space is necessary.

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 Department of Environmental Protection and Resource Management dated February 27, 2007 which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file.

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

CO 28-07
JL

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."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 3, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

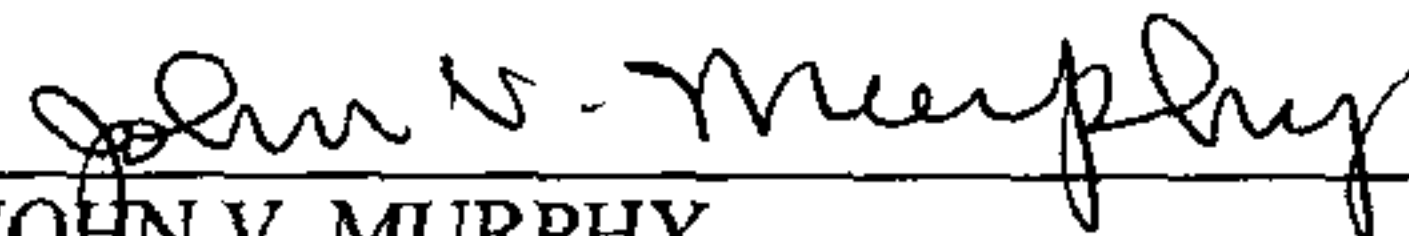
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of February, 2007, that a variance from Section 1B02.3.C.1 to permit

building additions with side setbacks as close as 9 feet in lieu of the required 10 feet, the same as the existing setback of 9 feet be and is hereby GRANTED, subject to the following:

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. 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).

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

2-28-07
P3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 27, 2007

JOSEPH P. MCNERNEY
207 ST. MARY'S ROAD
ESSEX MD 21221

Re: Petition for Administrative Variance
Case No. 07-335-A
Property: 207 St. Mary's Road

Dear Mr. McNerney:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

Zoning description for: 207 St. Marys Road

Beginning at the point on the ^{NORTH EAST} ~~southwest~~ side of St. Marys Road which is 15 feet wide at the distance of 180 feet southeast of the centerline of the nearest improved intersecting street Tred Avon Road which is 50 feet wide.

*Being lot #36 & 37 in the subdivision of Middleborough as recorded in Baltimore County plat book #4, folio #191 containing .46 acres also known as 207 St. Marys Road and located in the 15th election district, 6th councilman district.

335



CBCA

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 207 ST. ^{MARYS} ~~MARYS~~ RD
which is presently zoned DR 3.5

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) 1802.3.C.1 TO PERMIT

~~PERMIT~~ BUILDING ADDITIONS WITH SIDE SETBACKS AS CLOSE AS 9 FT.
IN LIEU OF THE REQUIRED 10 FT. (SAME AS EXISTING SETBACK OF 9 FT.)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

207 ST. MARYS RD. 410-391-1110

Address Telephone No.

ESSEX MD. 21221

City State Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 07 day of July, 2007, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-335-A

REV 10/25/01

Reviewed By JL

Date 1/25/07

Estimated Posting Date 2/4/07

C. 2/19.

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

207 ST. MARYS Rd
Address
Essex MARYLAND 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

I AM BUILDING TO EXISTING SETBACK OF 9 FT WHICH IS ONLY REASONABLE WAY TO STAY IN LINE WITH WALL SO ARCHITECTURAL INTEGRITY & APPEAL WILL BE MAINTAINED.

ALSO JUST MARRIED & 3 NEW CHILDREN IN HOME, WE NEED THE SPACE

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Name - Type or Print

Signature

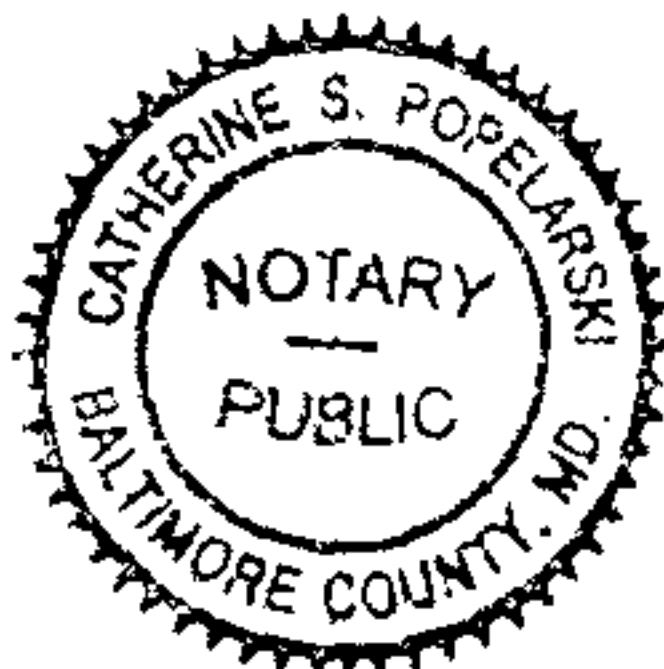
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph P. McNeerney
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Catherine S. Popelarski
Notary Public

My Commission Expires

4-08-09

CERTIFICATE OF POSTING

RE: Case No.: 07-335-A

Petitioner/Developer: JOE

MCNERNEY

Date of Hearing/Closing: 2-19-07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

207 ST. MARY'S RD

The sign(s) were posted on 2-3-07
(Month, Day, Year)

Sincerely,

Robert Black 2-7-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

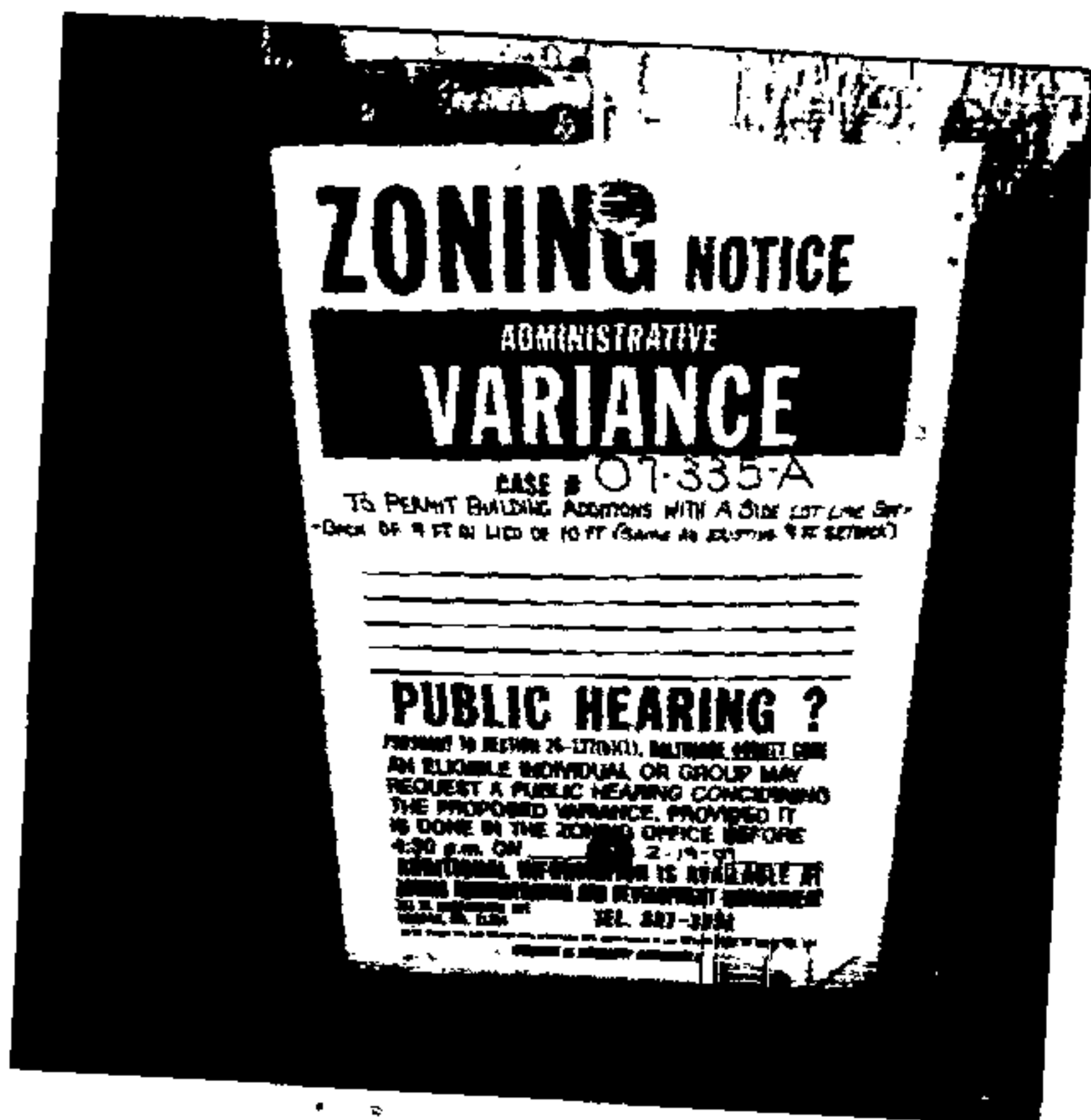
(Address)

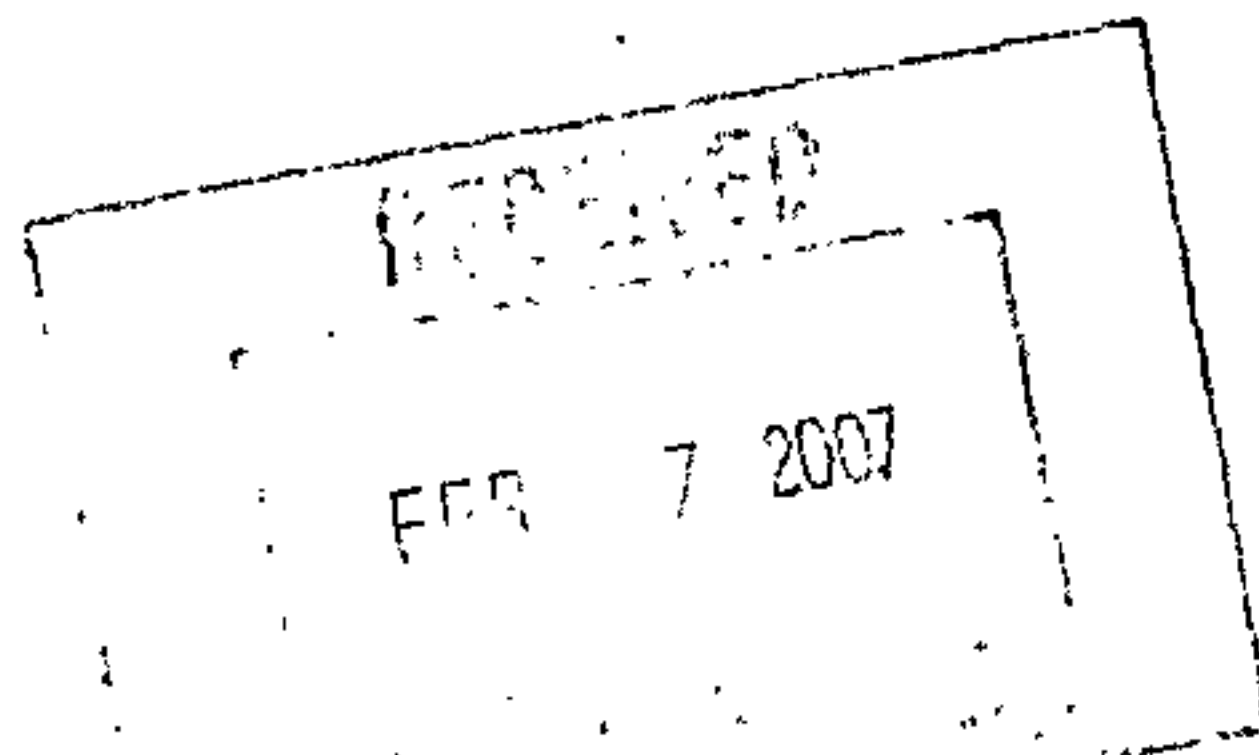
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07 335 -A

Address 207 ST MARYS RD

Contact Person: John Lewis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1/25/07

Posting Date: 2/04/07

Closing Date: 2/19/07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 07 335 -A

Address 207 ST. MARYS RD

Petitioner's Name JOE McMERNEY

Telephone 410 391 1110

Posting Date: 2/04/07

Closing Date: 2/19/07

Wording for Sign: To Permit BUILDING ADDITIONS WITH A SIDE LOT LINE

SETBACK OF 9 FT. IN LIEU OF 10 FT. (SAME AS EXISTING 9 FT. SETBACK)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 20, 2007

Joseph P. McNerney
207 St. Marys Road
Essex, MD 21221

Dear Mr. McNerney:

RE: Case Number: 07-335-A, 207 St. Marys Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 25, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: February 27, 2007

SUBJECT: Zoning Item # 07-335-A
Address 207 St. Mary's Road
(McNerney Property)

Zoning Advisory Committee Meeting of February 5, 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:

Reviewer: J. Livingston

Date: February 27, 2007

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 7, 2007

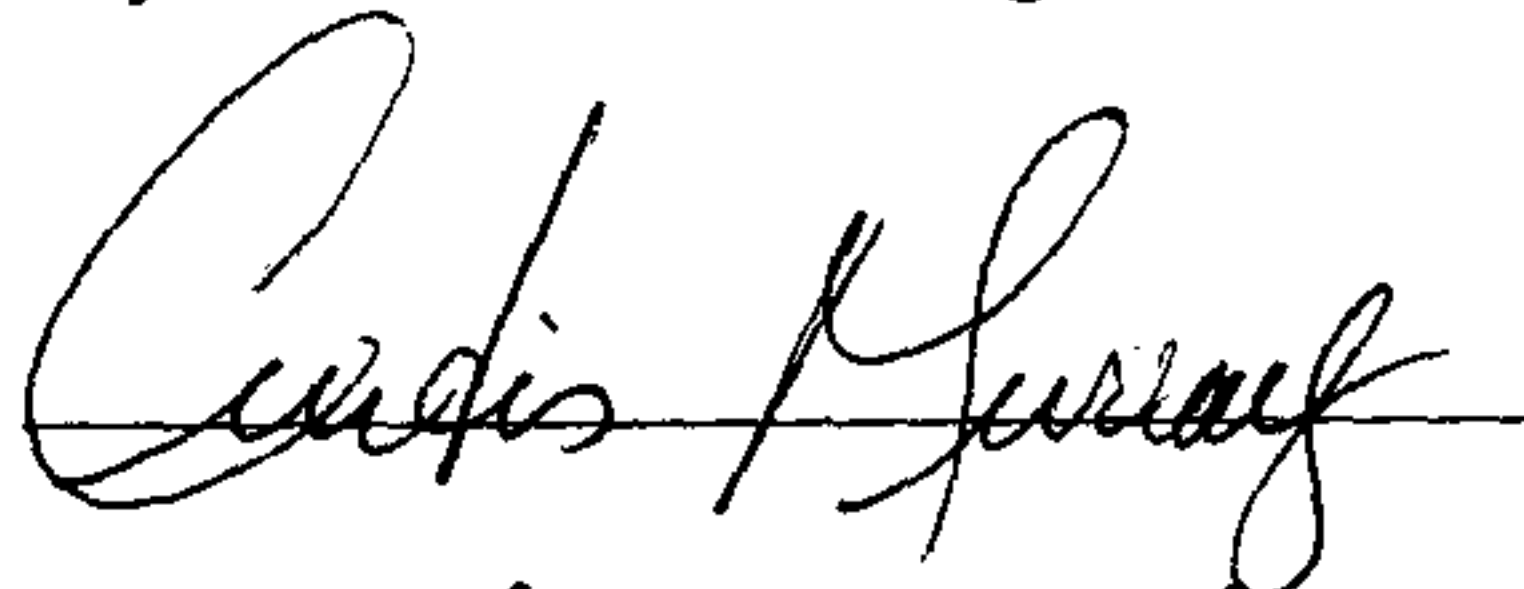
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-335- 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

Martin O'Malley, Governor
Anthony Brown, Lt. Governor



John D. Porcari, Secretary Designate
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEBRUARY 2, 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. 07-335-A
207 ST. MARYS ROAD
MCNERNEY 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. 7-335-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,

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

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

February 6, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: February 5, 2007

Item No.: 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344 and 345

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
(O) 410-887-4880
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



* PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 307 ST. MARY'S RD. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Middleborough

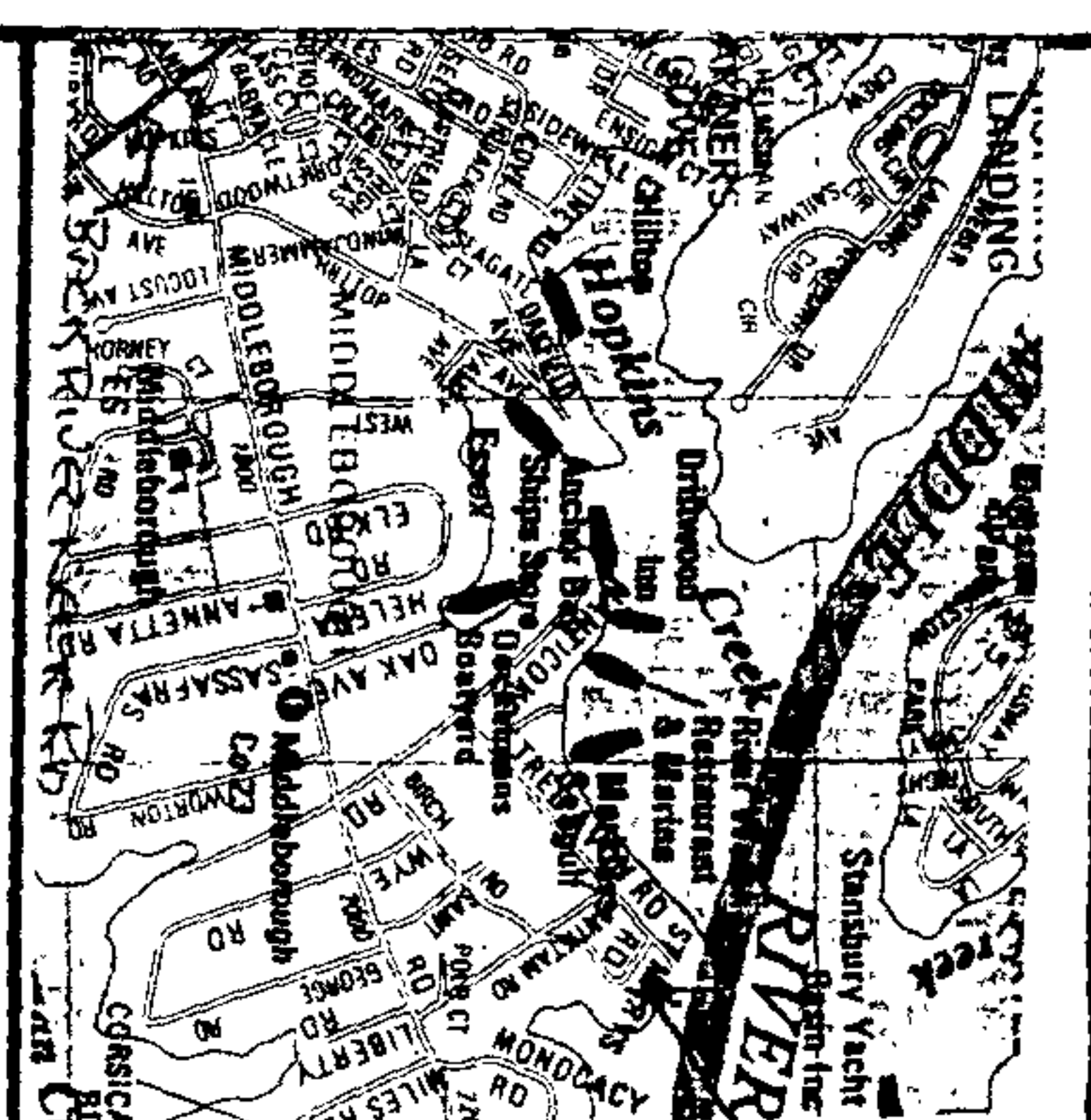
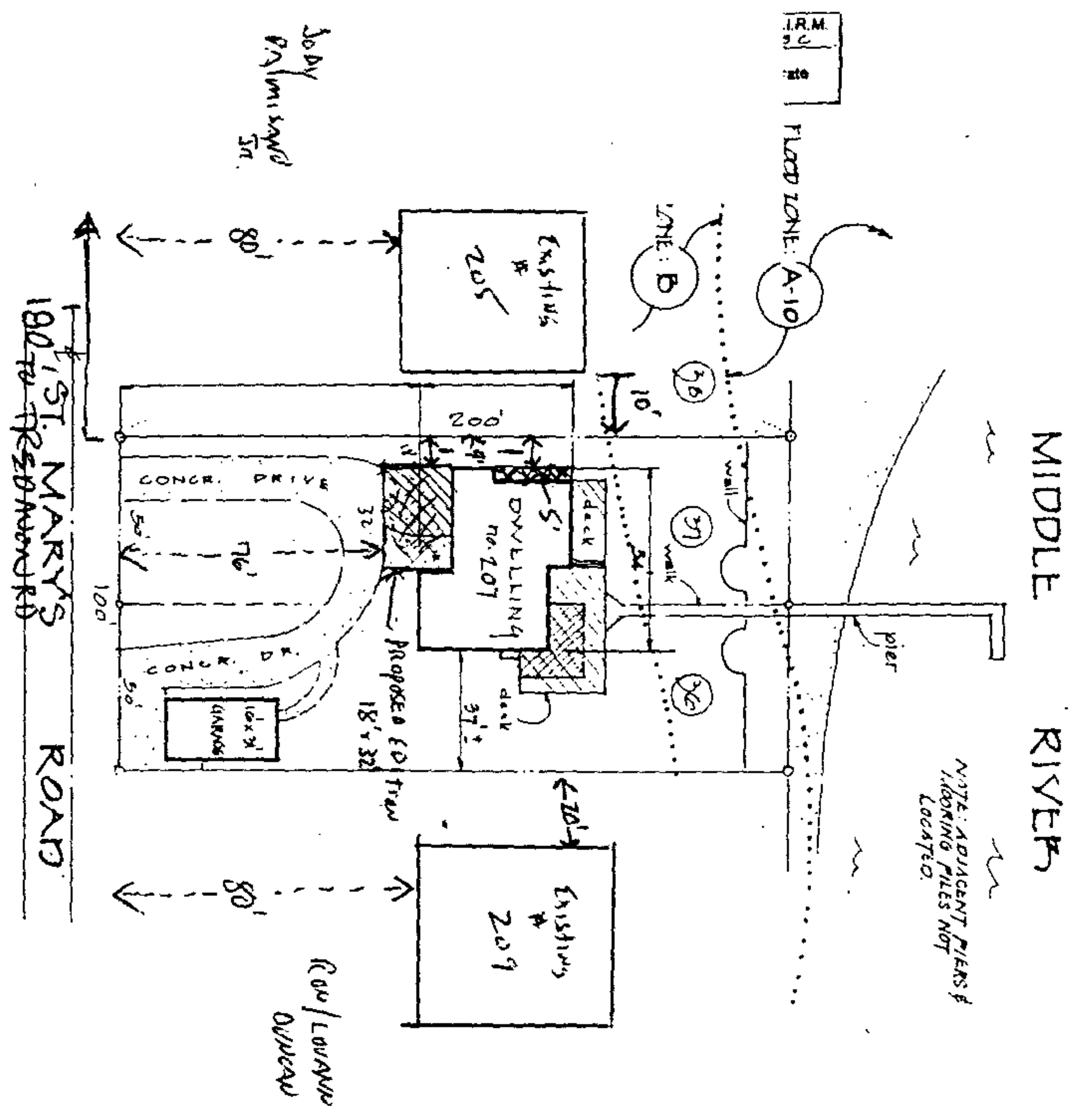
PLAT BOOK # 4 FOLIO # 191 LOT # 36 SECTION # 1

OWNER Joseph McNERNEY



PREPARED BY JOE McNERNEY

SCALE OF DRAWING: 1" = 60 FT.

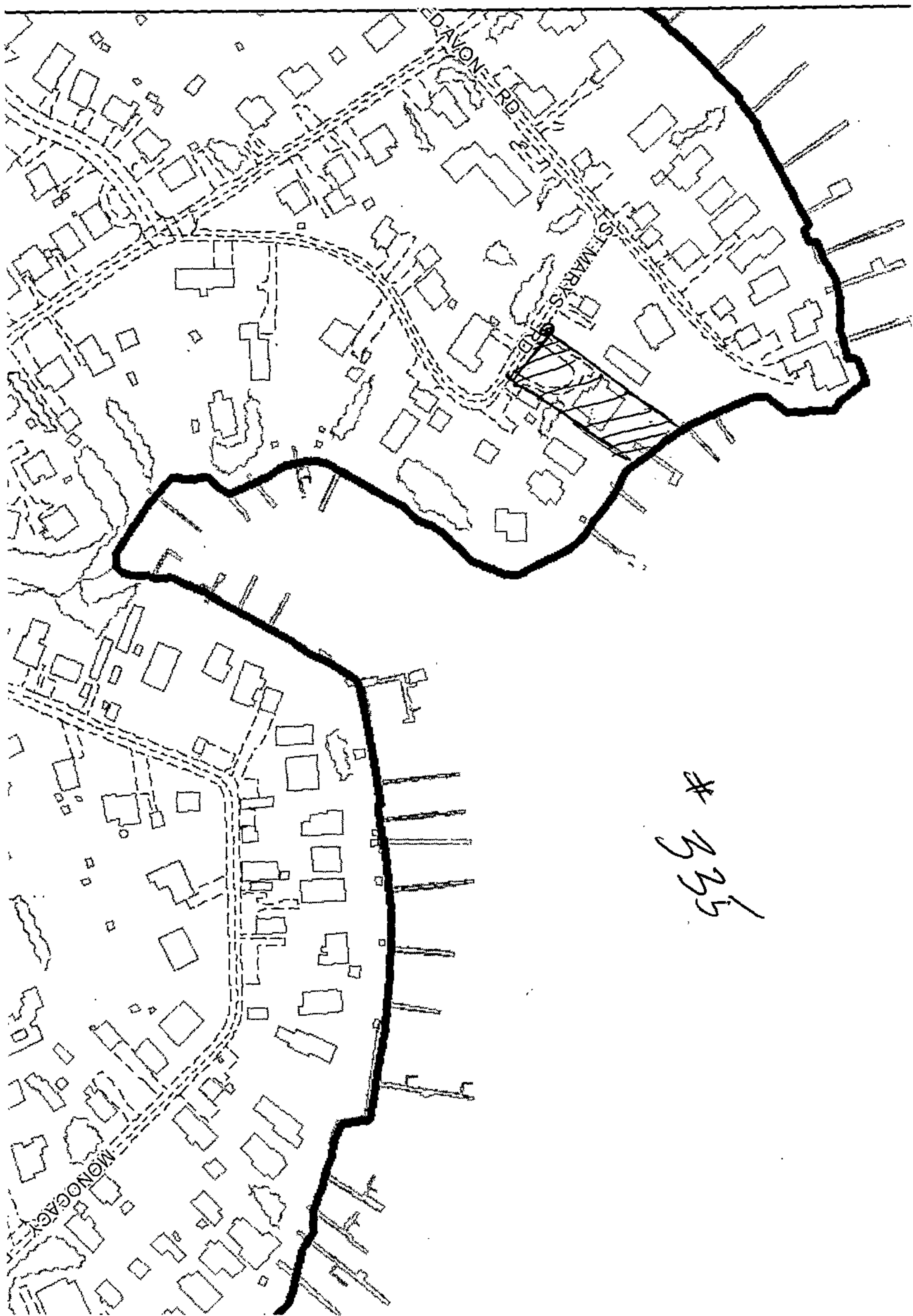


LOCATION INFORMATION

ELECTION DISTRICT	IS
COUNCILMANIC DISTRICT	OC
1" = 200' SCALE MAP #	OCG A-1
ZONING	DR. 3.S.
LOT SIZE	46
ACREAGE	SQUARE FEET
SEWER	PUBLIC PRIVATE
WATER	☒ ☐
CHESAPEAKE BAY CRITICAL AREA	YES NO
100 YEAR FLOOD PLAIN	☒ ☐
HISTORIC PROPERTY/BUILDING	☐ ☒
PRIOR ZONING HEARING	NO

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # 107-335

098-A-1
Zone: DR. 3.5
1"=200 FT.



* 335

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 207 ST. MARY'S RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

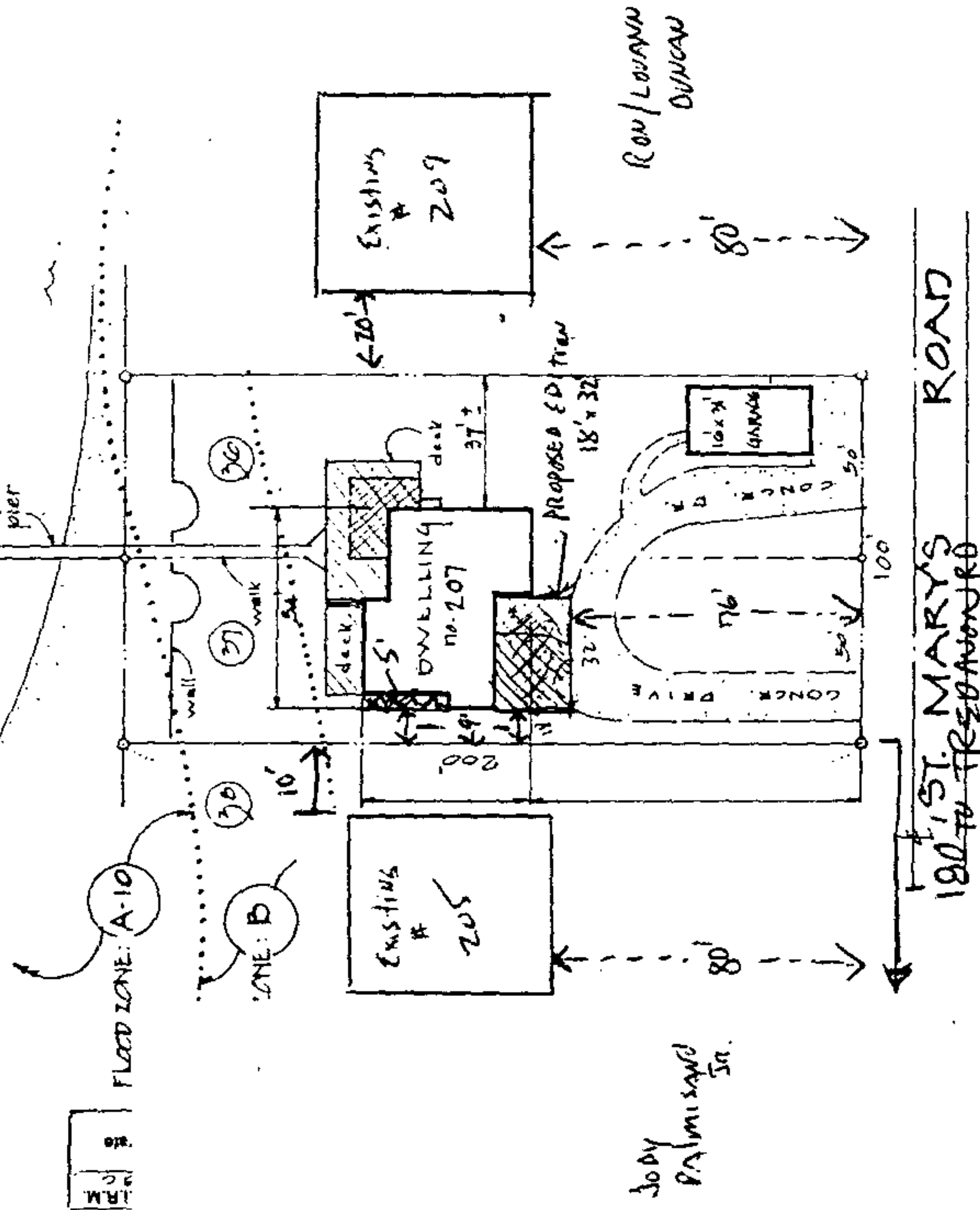
SUBDIVISION NAME Middleborough

PLAT BOOK # 4 FOLIO # 191 LOT # 36 SECTION # 7

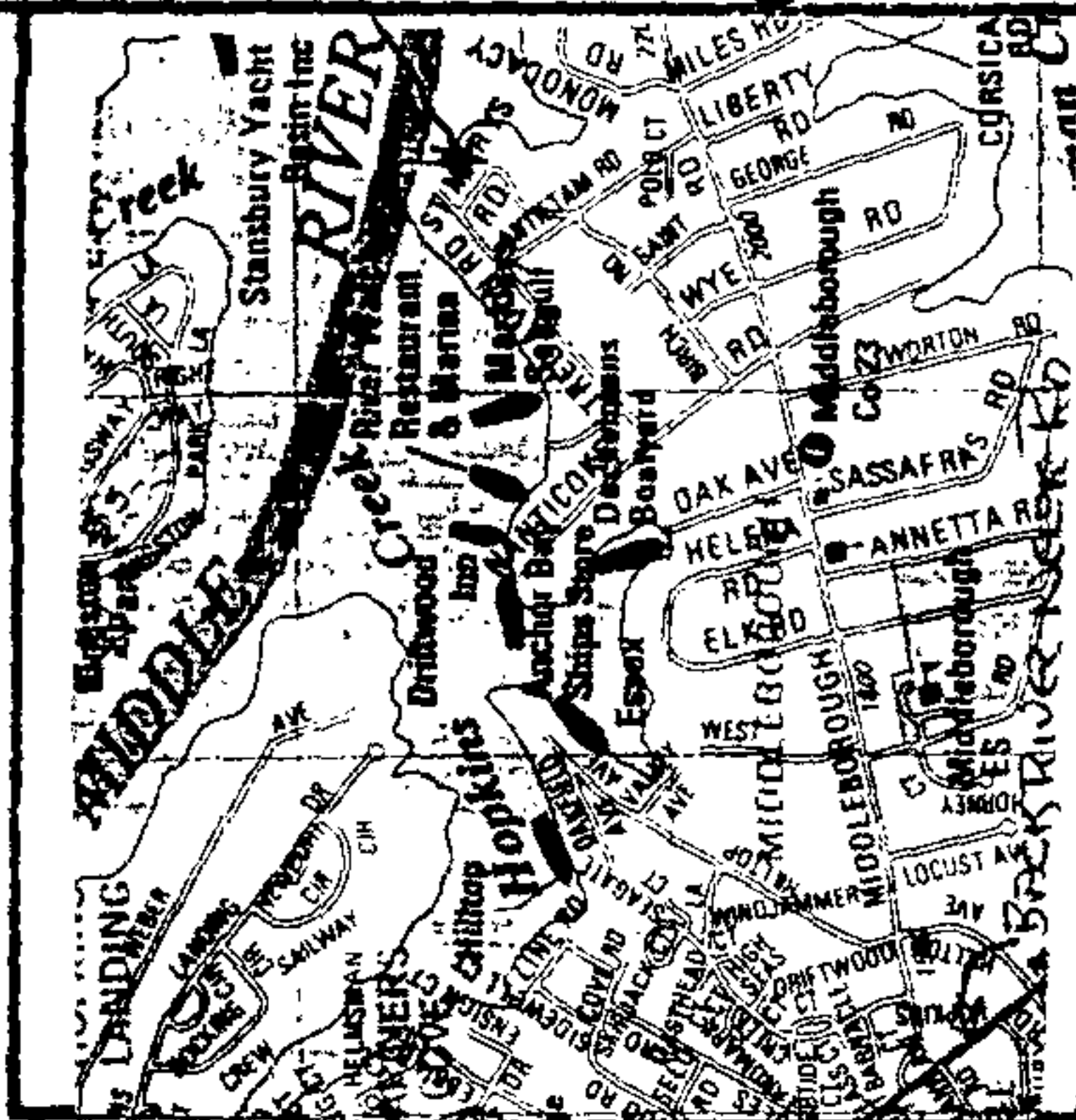
OWNER JOSEPH McNERNEY

MIDDLE RIVERS

NOTE: ADJACENT PIERS & MOORING PILES NOT LOCATED



PREPARED BY JOSEPH McNERNEY SCALE OF DRAWING: 1" = 60 FEET



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 06

1"=200' SCALE MAP # 098 A-1

ZONING DR-3.5

LOT SIZE 46

ACREAGE 46 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

YES ☒ NO ☐

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

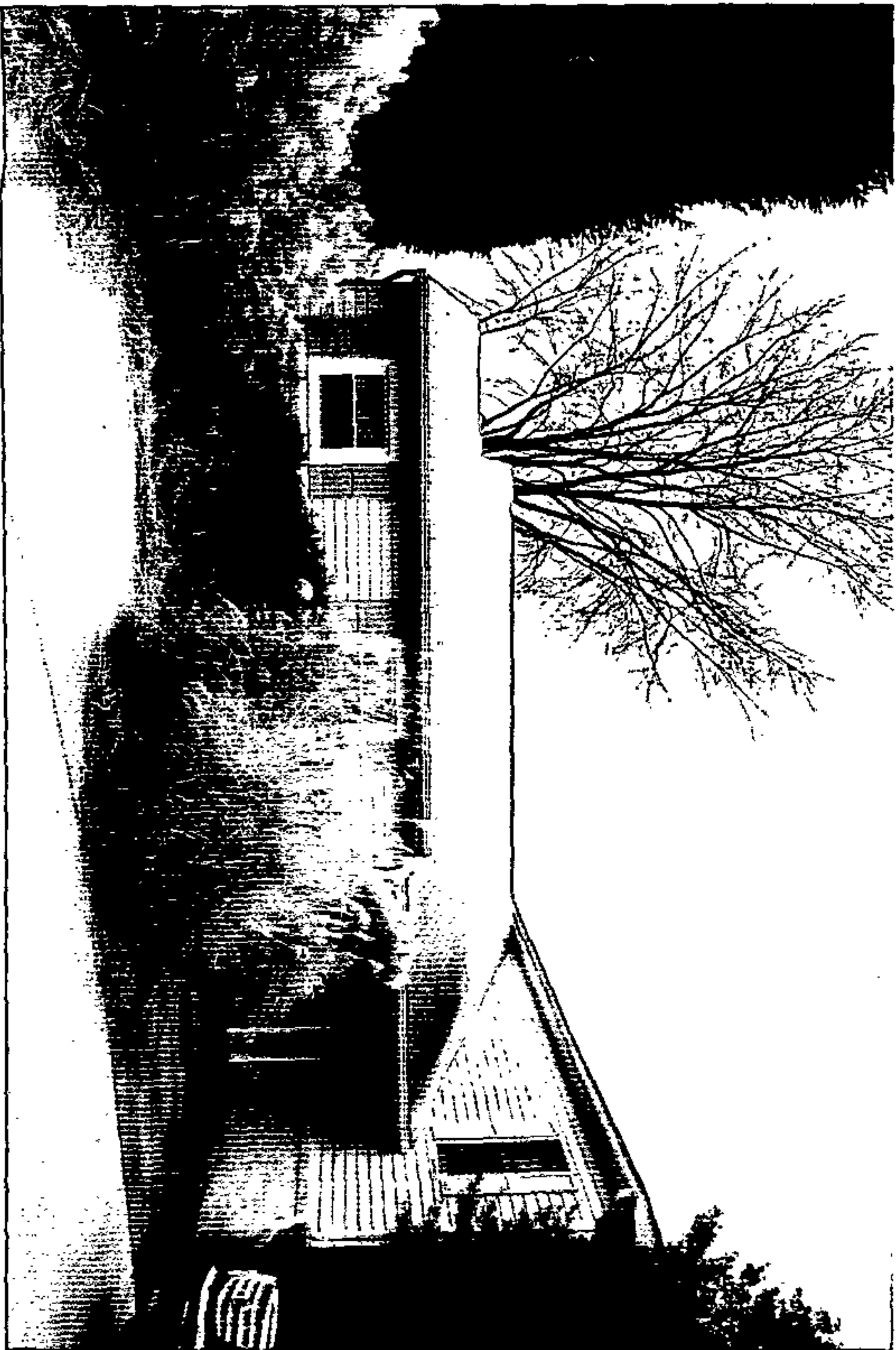
HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING

NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # 107-335 CASE # 107-335

PREPARED BY JOSEPH McNERNEY



385



5660



5665



335