

IN RE: PETITION FOR ADMIN. VARIANCE
S side Shore Road, 18 feet W of c/l of
Geranium Place
15th Election District
6th Councilmanic District
(1503 Shore Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY

Charles Thomas and Marlene Carmen Acree
Petitioners

* CASE NO. 07-406-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 owners of the subject property, Charles Thomas and Marlene Carmen Acree. The variance request is for property located at 1503 Shore Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (in-ground pool) in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners want to construct the in-ground pool in a location that allows privacy, sunshine and a view of the river. The neighbors at 1501 Shore Road have a pool in the front yard.

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 April 18, 2007 which contains restrictions, and from the Bureau of Development Plans Review dated March 19, 2007 which contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

RECEIVED FOR FILE
4-30-07
R3

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.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 25, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

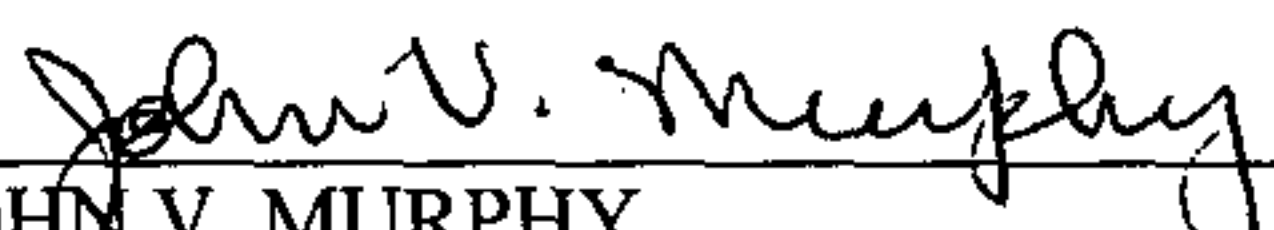
The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare 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 30th day of April, 2007 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (in-ground pool) in the front yard in lieu of the required rear yard be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners 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).
3. This property must comply with the Limited Development Area (LDA) regulations and Buffer Management Area (BMA) regulations of the Chesapeake Bay Critical Area (CBCA). Specifically, impervious surfaces are limited to 5,445 square feet. Any impervious surfaces in the 100 foot buffer must meet BMA regulations or obtain a critical area variance. The lot must also have 15% tree cover.
4. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
5. The flood protection elevation for this site is 11.2 feet.
6. The building engineer shall require a permit for this project.

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 30, 2007

CHARLES THOMAS AND MARLENE CARMEN ACREE
1503 SHORE ROAD
MIDDLE RIVER MD 21220

Re: Petition for Administrative Variance
Case No. 07-406-A
Property: 1503 Shore Road

Dear Mr. and Mrs. Acree:

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
for Baltimore County

JVM:pz

Enclosure



CBCA
FLOOD

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1503 SHORE RD.
which is presently zoned D.R. 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) 400.1 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (IN-GROUND)^{pool} IN THE
FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

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):

X CHARLES THOMAS ACREE
Name - Type or Print _____
Signature Charles Thomas Acree _____
X MARLENE BARMEN ACREE
Name - Type or Print _____
Signature Marlene Carmen Acree _____
X 1503 SHORE ROAD 410-391-3710
Address _____ Telephone No. _____
X MIDDLE RIVER MD 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ 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 _____ day of _____ 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. 07-406-A

REV 10/25/01

Reviewed By D.T. Date 3/12/07

Estimated Posting Date 3/25/07

4-30-07 pm

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

1503 Shore Road

Address

Middle River, Md.

City

State

21220

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):

X To situate the in-ground pool in a location that allows privacy, sunshine and a view of the river.

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.

Charles T. Acree

Signature

Charles Thomas Acree

Name - Type or Print

X Marlene C. Acree

Signature

X MARLENE C. ACREE

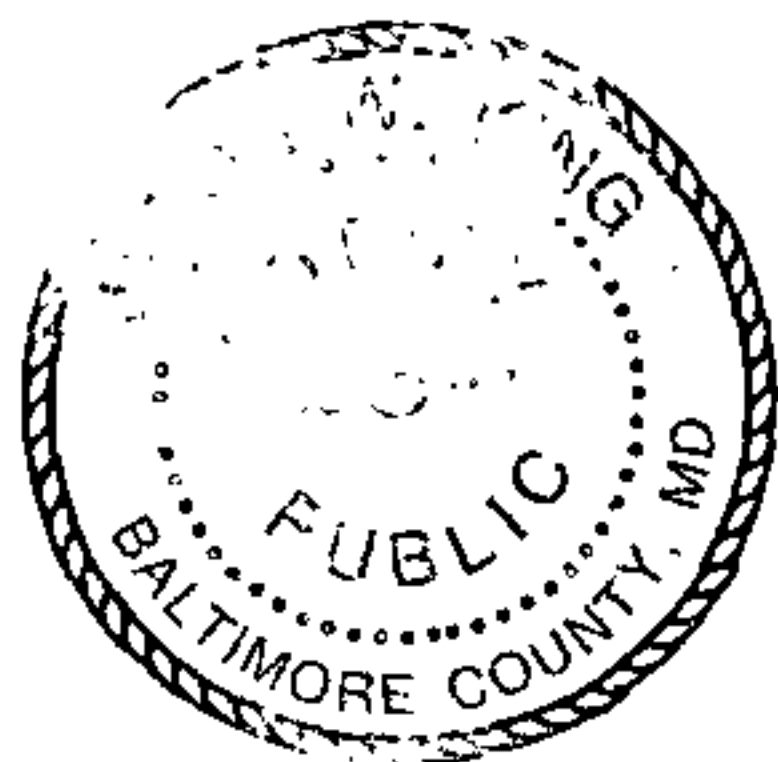
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of March, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles Thomas Acree, Marlene Carmu Acree
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public

My Commission Expires

1-13-10

CBCA



FLOOD

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1503 SHORE RD.
which is presently zoned D.R.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) 400.1 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (IN-GROUND POOL) IN THE
FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

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):

Charles Thomas Acree
Name - Type or Print

Charles T Acree
Signature

Marlene Carmen Acree
Name - Type or Print

Marlene Carmen Acree
Signature

1503 Shore Rd. 410-391-3910
Address Telephone No.

Middle River, Md 21220
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

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 day of 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. 07-406-A

REV 10/25/01

Reviewed By D.T. Date 3/12/07

Estimated Posting Date 3/25/07

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

1503 Shore Road
Address
Middle River Md 21220
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):

TO SITUATE THE IN-GROUND POOL IN A LOCATION THAT
ALLOWS PRIVACY, SUNSHINE AND A VIEW OF THE
RIVER.

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.

Charles Thomas Acree

Signature

Charles Thomas Acree

Name - Type or Print

Marlene C. Acree

Signature

MARLENE C. ACREE

Name - Type or Print

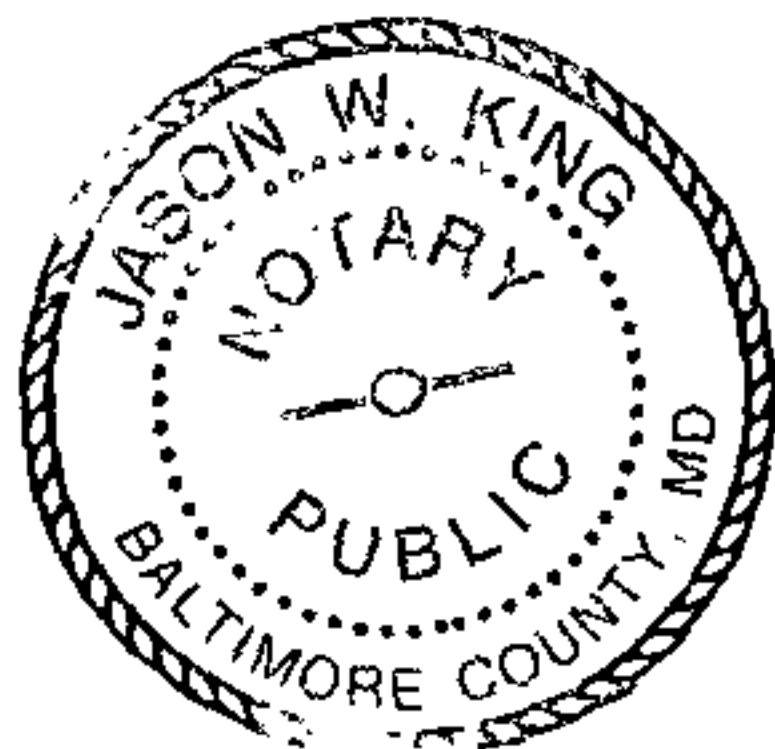
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of March, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles Thomas Acree Marlene Carmen Acree

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

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public

My Commission Expires

11-3-10

Zoning Description

Zoning Description for 1503 Shore Road Baltimore, Maryland 21220. Beginning at a point on the South side of Shore Road, which is 30' wide at the distance of 18' West of the centerline of the nearest improved intersection street Geranium, which is 30' wide. Being Lot # 57 in subdivision Bull Neck as recorded in Baltimore County Plat Book # 4, Folio # 172, containing 26,160 square feet. Also known as 1503 Shore Road and located in the 15th Election District, 6th Councilmanic District.

The metes and bounds are as follow: N58 59'18" W79.986', N31 00'08" E 324.09', S61 48' 01" E 80.08', S31 00' 00" W 328.02' to the place of beginning.

07-406-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 24958

DATE

3/12/07

ACCOUNT

0010066150

AMOUNT \$

65.00

RECEIVED FROM:

MR. AGREE

FOR:

ITEM # 406 07-406-A

1503 SHOE RD

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ADDRESS

THE

100

3/13/2007

3/12/2007 14:51:37

1

RECEIVED

WALTON JWC TRS

RECEIPT # 32339

3/12/2007

CPH

Dept 5

229 BOUND VERIFICATION

CR NO. 024958

Receipt Tot

485.00

485.00

6.00

CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-406-A

Petitioner/Developer: ACREE

Date Of Hearing/Closing: 4/9/07

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

Attention:

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
at 1503 SHORE RD

This sign(s) were posted on March 25, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 3/25/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

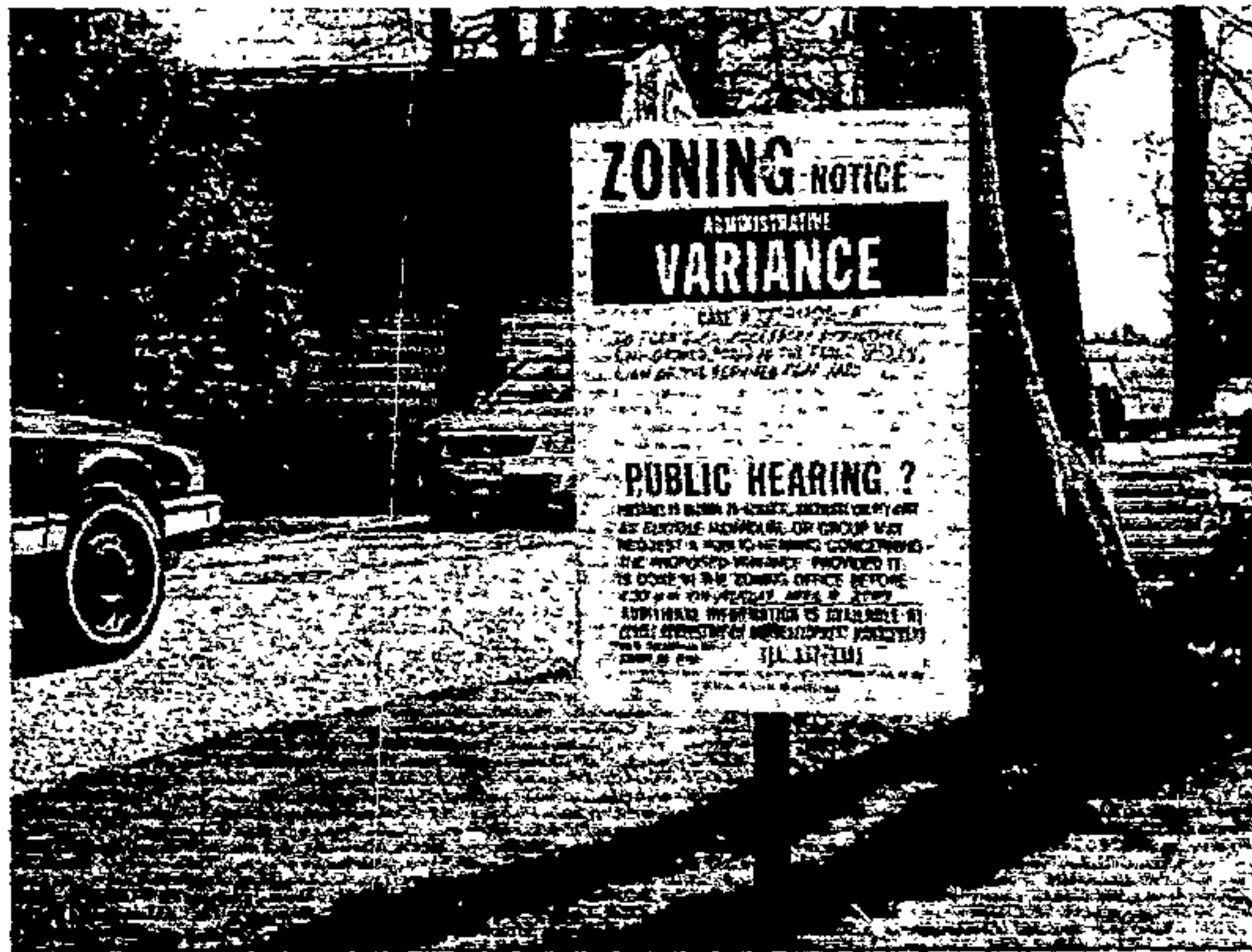
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im001023 (576x432x24b jpeg)



Myatt Ogle 3/25/07

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 406 -A

Address 1503 SHORE RD.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number 410-887-3391

Filing Date: 3/12/07

Posting Date: 3/25/07

Closing Date: 4/9/07

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- 406 -A

Address 1503 SHORE RD.

Petitioner's Name ACREE

Telephone 410-856-2170

Posting Date: 3/25/07

Closing Date: 4/9/07

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (IN-GROUND POOL) IN
THE FRONT YARD IN REU OF THE REQUIRED REAR YARD

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors 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: 07-406-A

Petitioner: ACREE

Address or Location: 1503 SHORE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. CHARLES T. ACREE

Address: 1503 SHORE RD

BALTO. MD 21220

Telephone Number: 410-391-3910



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

April 9, 2007

Charles Thomas Acree
Marlene Carmen Acree
1503 Shore Road
Middle River, MD 21220

Dear Mr. and Mrs. Acree:

RE: Case Number: 07-406-A, 1503 Shore Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 12, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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

March 15, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: March 19, 2007

Item No.: 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401,
402, 403, 405, 406, 407, 408, 409.

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



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



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

Maryland Department of Transportation

Date: **MARCH 15, 2007**

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

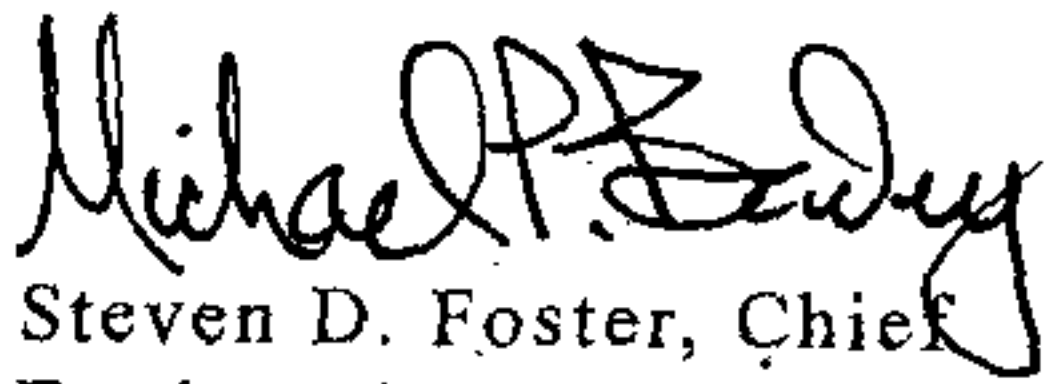
RE: Baltimore County
Item No. **7-406-A**
1803 SHORE ROAD
ACREE PROPERTY
ADMINISTRATIVE VARIANCE

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. **7-406A**.

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
APR 19 2007

BY:.....

TO: Timothy M. Kotroco

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

DATE: **April 18, 2007**

SUBJECT: Zoning Item # 07-406-A
Address 1503 Shore Road
(Acree Property)

Zoning Advisory Committee Meeting of March 19, 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:

This property must comply with Limited Development Area (LDA) regulations and Buffer Management Area (BMA) regulations of the Chesapeake Bay Critical Area (CBCA). Specifically, impervious surfaces are limited to 5,445 square feet. Any impervious surfaces in the 100-foot buffer must meet BMA regulations or obtain a Critical Area variance. The lot must also have 15% tree cover.

Reviewer: Regina Esslinger

Date: April 17, 2007

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 19, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 26, 2007
Item No. 07-406

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

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

The building engineer shall require a permit for this project.

DAK:CEN:cab

cc: File

ZAC-ITEM NO 07-406-03262007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 31, 2007

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-406- 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:

Curtis Murray

Division Chief:

Laura Larkman

CM/LL

RECEIVED

JAN 31 2007

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: April 3, 2007

TO: Zoning Commissioner & File

FROM: Donna Thompson, Planner II 
Zoning Review

SUBJECT: Petition for Variance, Case No. 07-406-A
1503 Shore Rd.
15th Election District

On April 3, 2007 the adjoining property owner – Gayle Durham, residing at 1505 Shore Road dropped off a letter that she requested be placed in this zoning file. Through conversation our office was made aware of the fact that the petitioner is not residing in the existing house that is shown on the plan but living in the detached garage that was subject to Zoning Case No. 03-471-SPHA. The order for this case did not have any restrictions limiting use.

DT

TO: Timothy Kotroco, Room 111, 111 W. Chesapeake Avenue . April 2, 2007

RE: Case Number: 07-406-A, 1503 Shore Road

Description: Administrative Variance to permit an accessory structure (in-ground pool) in the front yard in lieu of the required rear yard.

We, the owners of **1505 Shore Road**, respectfully submit the following in regards to Variance Case No. 07-406-A .

(1) **1503 Shore Road** - is a waterfront lot that was split from the original lot that contained the house. The lot is approximately 80' in width and 300' in length. There are currently 2 structures on this property. A garage recently built approximately 25' from the road, and an old garden shed built in the 1930's approximately 30' from the road. The owners of 1503 Shore Road are asking for a pool to be built totally within the 100' buffer to tidal waters from the bulkhead. Also, the site plan submitted for the pool, shows **no** specification for a required surrounding pool deck. Since there is **no structure from the bulkhead** for approximately **250' from the water**, it is unnecessary to build a pool in the 100' buffer. The pool could be built behind the 100' buffer, and there would still be plenty of room to build a house. The pool would still be in front and waterside of any proposed new dwelling.

(2) **1501 Shore Road** - The pool that currently exists on the water side of 1501 Shore Road was recently built. That lot was the other half of the lot at 1503 and contained the original old house. When 1501 was sold, the new owner demolished the old house and used that footprint to build a pool. He built his new house behind the pool and farther away from the water. It is our understanding that this exception occurred because the original old house was grandfathered and the footprint of the old house was used to build the pool.

(3) **1505 Shore Road** -- About 3 years ago, my wife and I went down to the county offices and inquired about building a pool on our property here at 1505 Shore Road. Since our house was built in 1939 and sits approximately 99 - 100' from the water, we would be required to build a pool in the 100' buffer if it was to be on the waterside of our property. We were told we could **not** do this. We were not told we could file for a variance and possibly receive permission to build a pool in the 100' buffer.

This is a matter of fairness and consistency to all residents of the county. When there is no consistency in what is being conveyed to residents of this county, it pits neighbor against neighbor and unnecessary hard feelings. This favors residents that have a "don't ask, don't tell" policy and just do it.

If anyone can receive a variance to build a pool in the 100' waterfront buffer and in their front yard, then there is no need for rules. If a variance is issued to a lot with **no** house for a pool in the 100' buffer to tidal waters, then a variance must be issued to a property that has a house and would require such for a front yard pool.

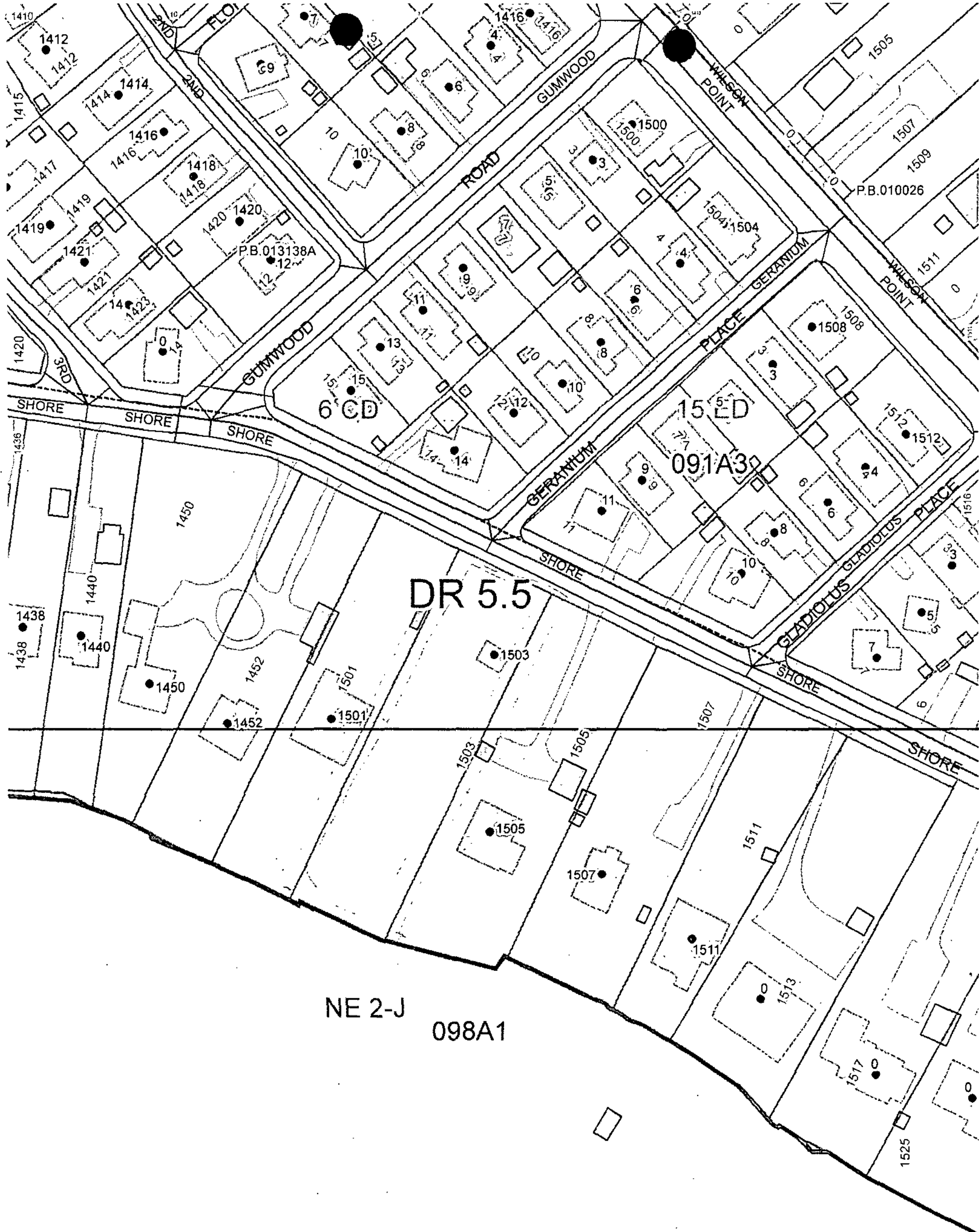
We respectfully submit, that if the variance is approved for a waterside pool in the 100' buffer at **1503 Shore Road**, then the same variance must be granted for our property at **1505 Shore Road**.

Thank you very much for allowing me the opportunity to respond to this variance request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Durham".

Donald W. Durham
1505 Shore Road
Middle River, Maryland 21220



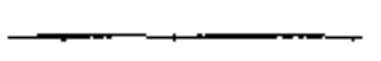
DR 5.5

NE 2-J
098A1

091A3



Baltimore County Office of Planning and Official Zoning

 Vegetation
 Rail Lines

091A3

07-406-A



098A1

07-406-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1503 Shore Rd.

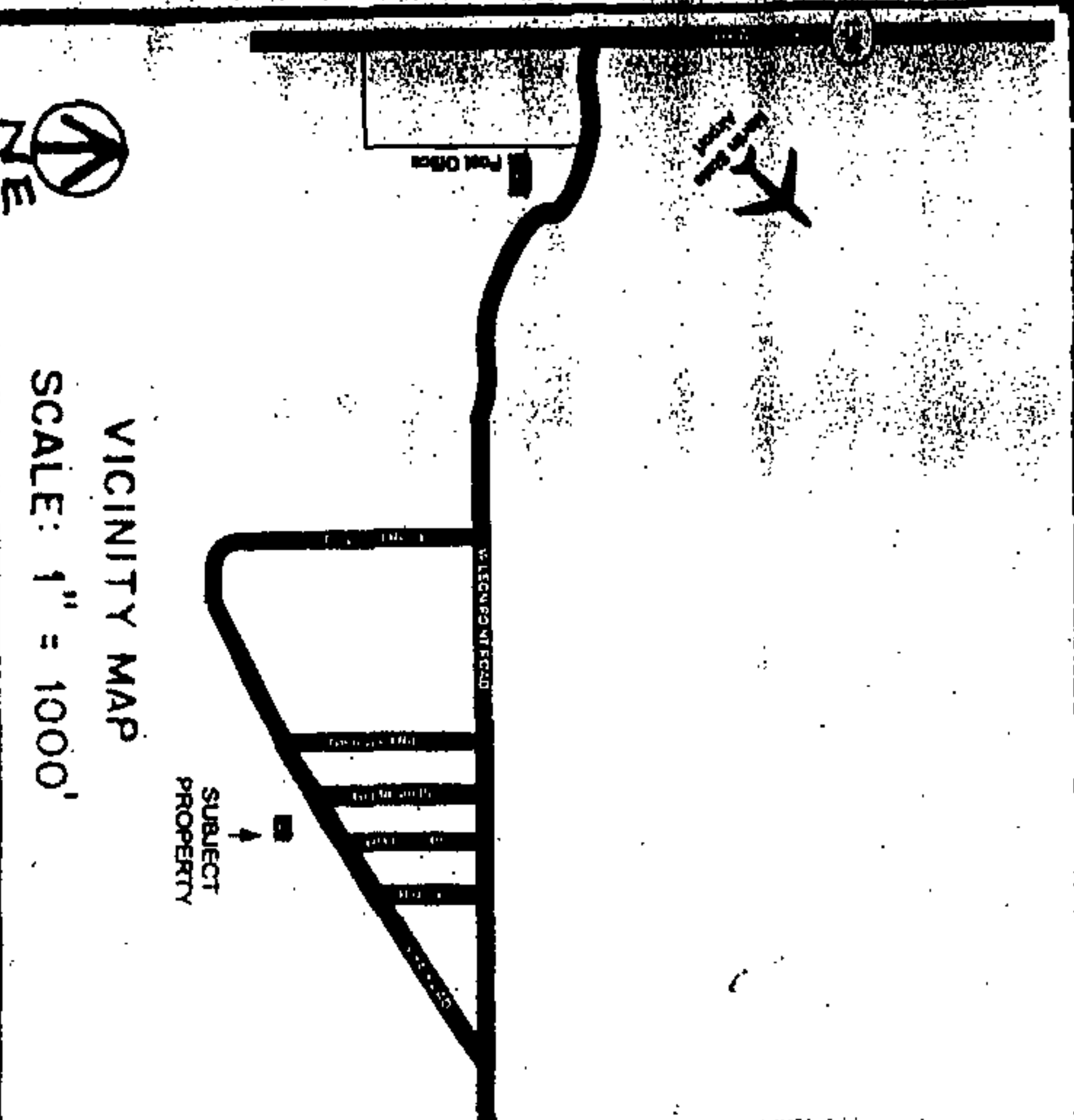
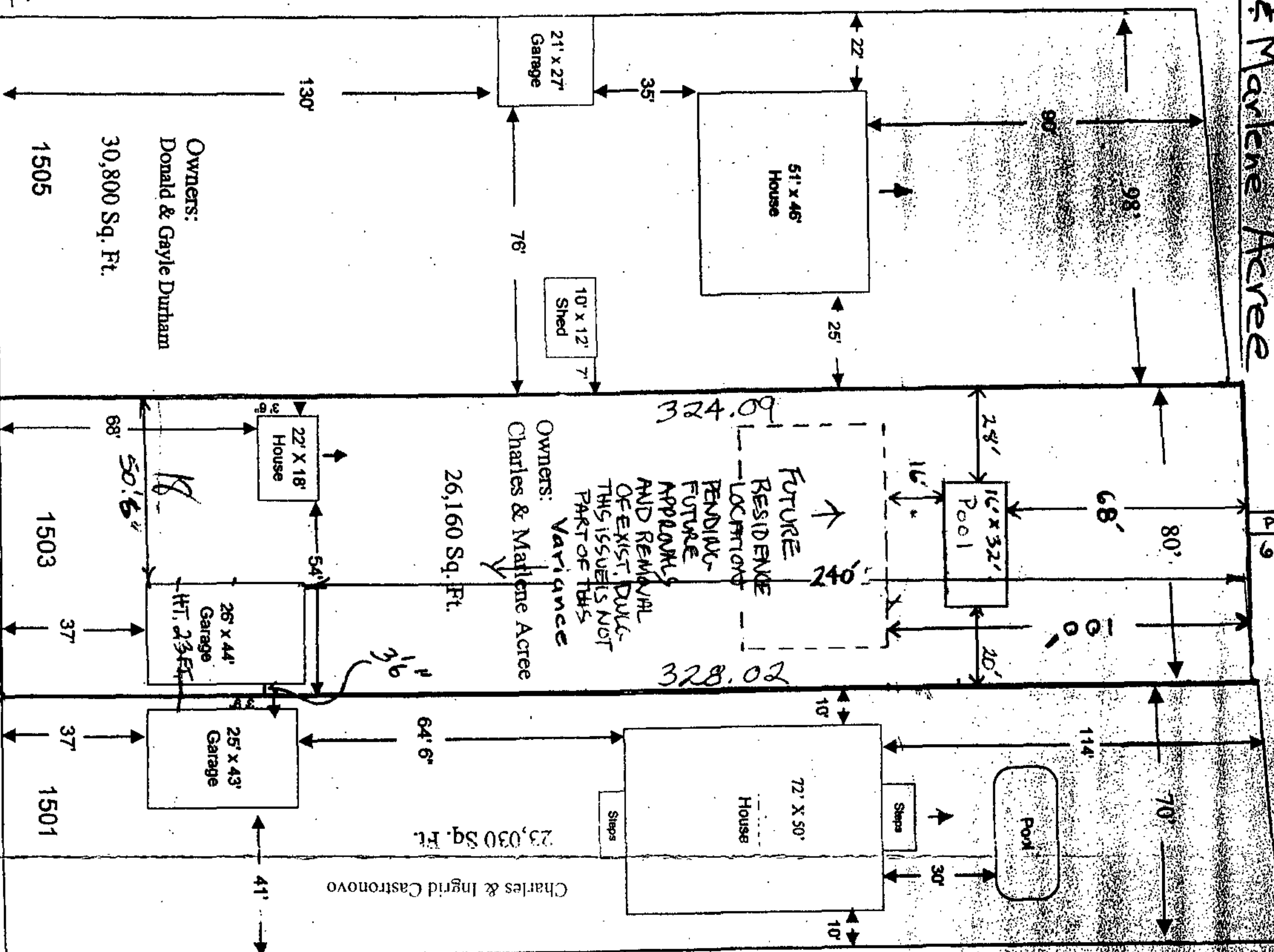
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bull Neck

PLAT BOOK # 4 FOLIO # 172 OF # 57 SECTION # ---

OWNER Charles & Marlene Acree

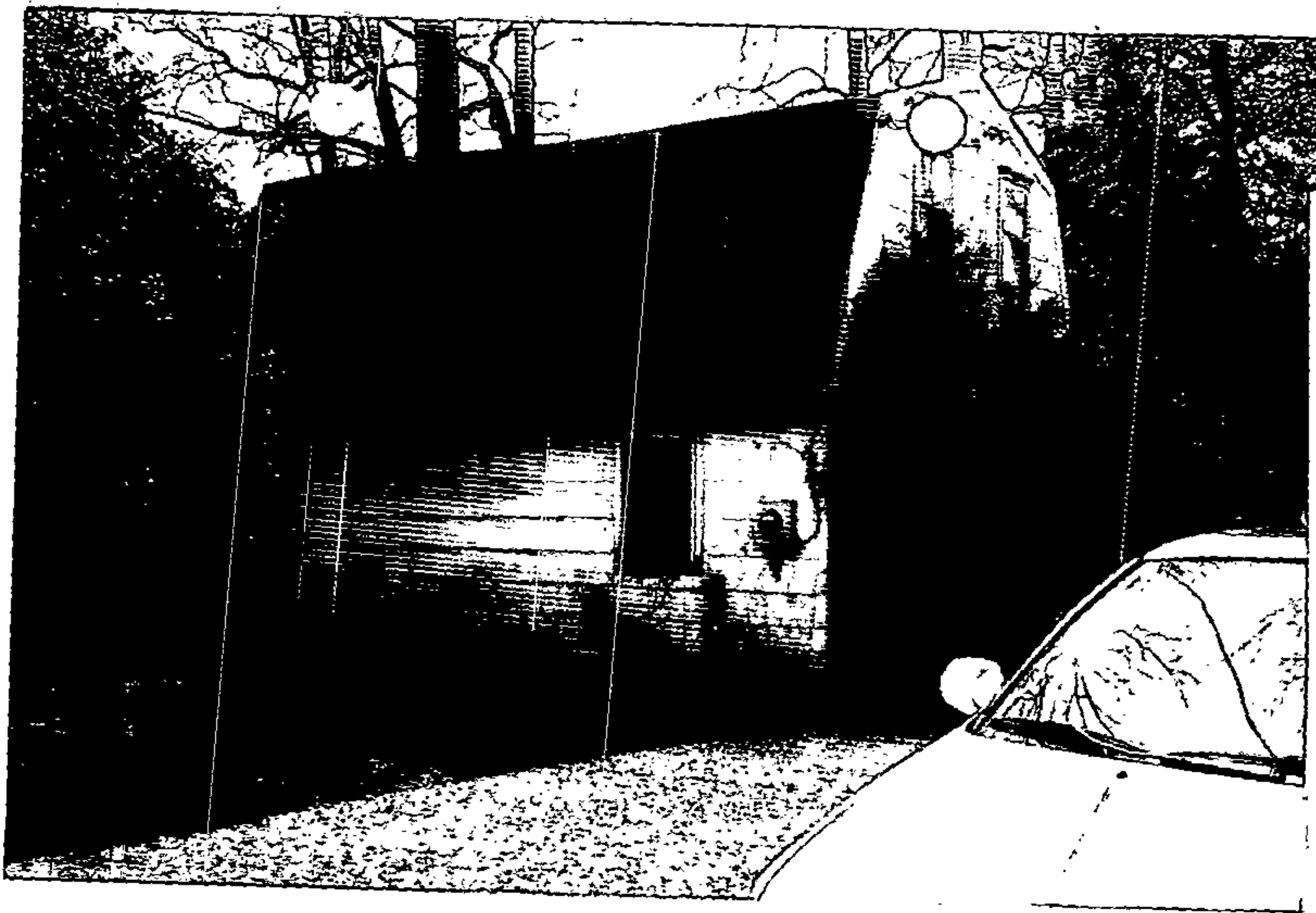
Middle River



LOCATION INFORMATION	
ELECTION DISTRICT	15
COUNCILMANIC DISTRICT	6
1" = 200' SCALE MAP #	1452 091A2 098A1
ZONING	DR 5.5
LOT SIZE	.6
ACREAGE	26,160
SQUARE FEET	
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ ☐
CHESAPEAKE BAY CRITICAL AREA	☒ YES ☐ NO
100 YEAR FLOOD PLAIN	☐ ☒
HISTORIC PROPERTY/BUILDING	☐ ☒
PRIOR ZONING HEARING	03-471-SPHA
ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #
D.T.	406
	07-406-A



PREPARED BY Charles Acree



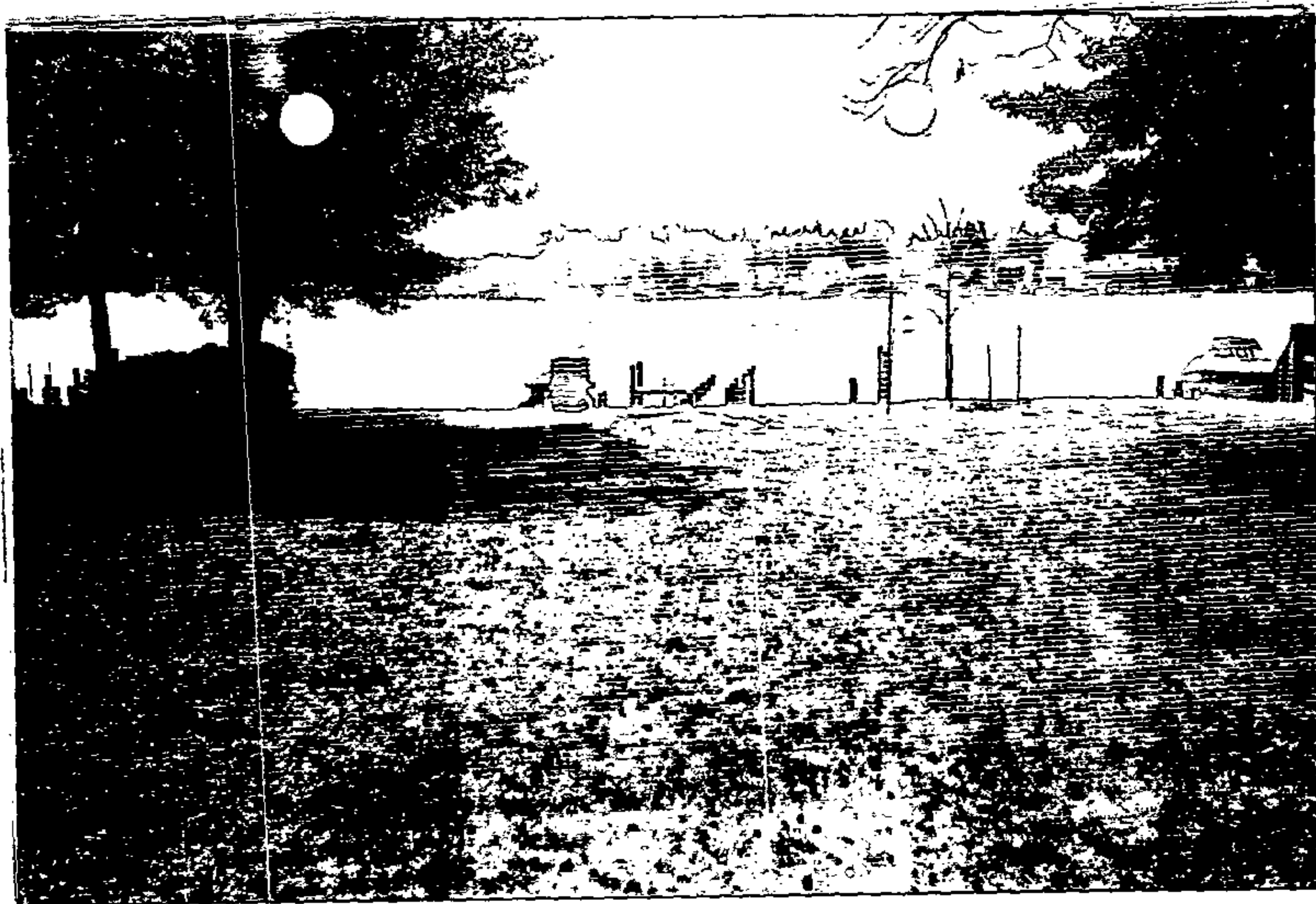
Another
Street
View
Back
of
House



Street
View
Back
of
House



From
Deck
on
Front
of
House



Pool
Location