



IN RE: PETITIONS FOR SPECIAL HEARING
N side Johnnycake Road, 154 feet
W c/l Craigmont Road
1st Election District
4th Councilmanic District

(Parcel "A" #6401 Craigmont Road)

Edward Adams

Legal Owner & Petitioner

Matthew Bradley

Contract Purchaser

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * FOR

*

* BALTIMORE COUNTY

* CASE NO. 07-409-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Baltimore County by Edward Adams Director of Public Works, and the contract purchaser, Matthew Bradley. The subject property is identified as Parcel "A" #6401 Craigmont Road. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing detached accessory structure (carport) on a lot without a principal dwelling. The Variance request is to permit an existing detached accessory structure (carport) to have front and side yard setbacks of 0 feet in lieu of the required 25 and 2.5 feet, respectively.

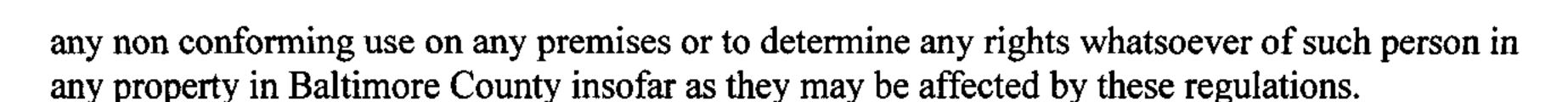
The property was posted with Notice of Hearing on April 20, 2007, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 24, 2007, to notify any interested persons of the scheduled hearing date.

Applicable Law

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Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of



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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee 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 March 21, 2007. That Office states that the Petitioner does not own the property on which he built the structure. It is County property which must be declared surplus, be approved for sale by the County Council, and be purchased by the Petitioner. A Zoning Commissioner's order approving the structure could later be construed to be an acceptance by the County of not only the trespass, but as a willingness to sell the property. There is also an outstanding violation, Case 06-6725, for building without a permit. They strongly recommend that the Zoning Commissioner not make any decision until the Council approves the sale and the violation case is resolved.

Interested Persons

S-1800

Appearing at the hearing on behalf of the requested special hearing and variance relief was Matthew Bradley, contract purchaser, and Bernadette Moskunas, with Site Rite Surveying,





Inc., who prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 06-6725) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due for construction without a permit.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Testimony and Evidence

The subject property contains 1,328 square feet or 0.0305 acres +/- zoned DR 5.5 and is improved by an existing covered concrete carport erected by the Petitioner. The carport is located on property owned by Baltimore County which provides storm water management for the area. The Petitioner testified that he owns the property to the east of the County property which is improved by the Petitioner's home. See Petitioner's Exhibit 1. Apparently he has maintained a significant portion of the County property between the ramp to the Beltway and his property for many years and several years ago erected a carport on County property being

unaware the County owned the strip of land between his home and the Beltway ramp. Subsequently the County Code Enforcement Office filed a correction notice for a building erected without a permit at which time the Petitioner discovered he did not own the subject property.

Ms. Moskunas presented photographs of the carport, elevations of the carport, a letter from DEPRM outlining the process of obtaining County surplus property, and an aerial map of the area. She indicated that the Petitioner would like to buy the property from the County, and described the Petitioner's efforts to date to get the County to agree to declare the property surplus, and have the Council approve the sale.

Findings of Fact and Conclusions of Law

Before considering the merits of the Petitioner's request I asked the Office of Law if the Petitioner was in fact a contract purchaser of County property with the legal right to file this Petition. Assistant Count Attorney Daly indicated that the Petitioner has no current interest in the subject property and no standing to file for the special hearing as shown by the attached May 15, 2007 e-mail. As important the Petition asks for specific relief and assumes that the County will sell the Petitioner exactly the configuration shown in exhibit 1. This may not be at all the final configuration. I am concerned that until the County and Petitioner come to an agreement on a specific design, the relief needed if any may well change. To grant the relief at this point would be simply speculating as to what may or may not be the final arrangement.

Consequently I will dismiss the case without prejudice. This means that the Petitioner can reapply for the special hearing and variance once the parcel has been declared surplus, the configuration is final, and the County acknowledges that the Petitioner is in the process of purchasing same.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing and variance requests should be denied without prejudice.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of May, 2007, that the Petitioners' request for Variance request is to permit an existing detached accessory structure (carport) to have front and side yard setbacks of 0 feet in lieu of the required 25 and 2.5 feet, respectively, is hereby DENIED without prejudice; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an existing detached accessory structure (carport) on a lot without a principal dwelling is hereby DENIED without prejudice.

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



JAMES T. SMITH, JR. County Executive

May 18, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

MATTHEW BRADLEY 6401 CRAIGMONT ROAD BALTIMORE MD 21207

Re: Petition for Special Hearing and Variance

Case No. 07-409-SPHA

Property: Parcel "A" #6401 Craigmont Road

Dear Mr. Bradley:

Enclosed please find the decision rendered in the above-captioned case.

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 Patrick Daly, Assistant County Attorney Dennis Kennedy, Bureau of Development Plans Review



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Parcel "A" #6401 Craigmont Road 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 Special Hearing under Section 500.7 of the Zoning Regulations of

accessory structure (carport) on a lot without a principal dwelling

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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. Baltimore County, MD Legal Owner(s): Contract Purchaser/Lessee: DWARD Matthew Bradley Name - Type or Print **Bignature** 410-598-5828 6401 Craigmont Road Name - Type or Print Telephone No. Address Baltimore, MD 21207 Signature Zip Code State RM City III W. Chesapeake Avenue 30 Attorney For Petitioner: Telephone No. Address 21204 owson $M \triangleright$ Zip Code State Name - Type or Print City Representative to be Contacted: Signature Site Rite Surveying, Inc. Name Company 410-828-9060 200 E. Joppa Road, Room 101 Telephone No. Address Telephone No. Address Towson, MD 21286 State Zip Code City Zip Code State City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 07-409-5PHA UNAVAILABLE FOR HEARING REV 9/15/98 TO MEDICAL PROPERTY OF THE PRO



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at Parcel "A" #6401 Craigmont Road
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) 1802.3.C.1 and 400.1 - to permit an existing detached accessory structure (carport) to have front and side yard set backs of Afeet in lieu of the required 25 and 2½, respectively of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached

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

I/We do solemnly declare and affirm, under the penalties of 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. Baltimore County, MD DPW Legal Owner(s): Contract Purchaser/Lessee: Rdams toward(. Matthew Bradley Name - Type or Print Name - Type of Print Signature 410-598-5828 6401 Craigmont Road Name - Type or Print Telephone No. Address Baltimore, MD 21207 Signature Zip Code 410 887 - 3306 IIIW. Chesapeake Ave. Rm 307 State City Telephone No. Attorney For Petitioner: Address 21204 TOWSON Zip Code State City Name - Type or Print Representative to be Contacted: Signature Site Rite Surveying, Inc. Name (410(828-9060 200 E. Joppa Road, #101 Company Telephone No. Address Telephone No. 21286 Address MD Towson Zip Code State City Zip Code State City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 07-409-SPHA UNAVAILABLE FOR HEARING Date REV 9/15/98 THE POR COVERS PROPERTY. A STATE OF

Reasons to accompany variance petition for the second parcel of land for #6401 Craigmont Road

Mr. Matthew Bradley and his wife, Edith Bradley, are the original owner of #6401 Craigmont Road which is adjacent to the parcel of land on which the covered carport was constructed. Said owner has been maintaining this area for the past 26 years. Said parcel is located at the end of Johnnycake Road adjacent to the beltway ramp. Therefore, he did not feel he was creating any adverse conditions.

Mr. Bradley has been in contact with Mr. Al Wirth, manager of Storm Water Engineering to resolve the issues at hand, see attached.

Item #409



JAMES T. SMITH, JR. County Executive

DAVID A.C. CARROLL, Director Department of Environmental Protection and Resource Management

410 887-3768

Storm Water Engineering

FAX 410 887-4804

January 30, 2007

Site Rite Surveying 200 E. Joppa Road, Room 101 Towson, Maryland 21286 Attention: Vincent Moskunas

> RE: DISCOVERY ACRES POND 1 6401 Craigmont Road Project I.D. A076032

Dear Mr. Moskunas:

This office has inspected the referenced stormwater management pond and reviewed the plat title "Field Located Existing Encroachments No. 6401 Craigmont Road" and we offer the following comments:

- 1. The noted encroachments of carport and patio in the Baltimore County stormwater management reservation must be is in compliance with all County zoning and development regulations in addition to the stormwater management conditions. I would need notification from the Department of Permits & Development.
- 2. Maintain a 15' in fee access to the stormwater management pond. The corners of the reservation must be established in the field with monuments.
- Replace 42" dark PVC coated chain link fence and gate in accordance with present stormwater management regulations.
- 4. Remove garden & fence behind carport on the stormwater management pond embankment.
- 5. Encroachment plat must be signed and sealed by a Land Surveyor registered in Maryland.
- The sale price of the land is needed and must be approved by Baltimore County Land Acquisition.
- 7. The proposed owner will refrain from future trespassing and encroachment activities in the remaining reservation.

Should there be any questions, I may be contacted at 410-887-3768.

Very truly yours,

R. Alexander Wirth, PE, Manager

Storm Water Engineering

RAW:pms

c: Department of Permits & Development

Land Acquisition

Field Operations

Discovery a 1

401 Bosley Avenue | Towson, Maryland 21204 www.baltimorecountymd.gov

Item #409

ZONING DESCRIPTION PARCEL "A" (2nd Parcel of land for #6401 Craigmont Road)

BEGINNING at a point on the north side of Johnnycake Road which is 60 feet wide at the distance of 154 feet west of the centerline of Craigmont Road which is 50 feet wide. Parcel "A" N79° 96' 04"W, 28.50 feet; thence running and binding with a radius curve 2,779.70 feet, length 44.50 feet, the chord bearing N04° 34' 49"E, 44.50 feet; thence for a new line of division through the Stormwater Management Area as shown on the plat entitled "Discovery Acres" recorded in Plat Book No. 43, folio 93, S80° 22' 31"E, 31.00 feet and thence S07° 50' 05"W, 44.98 feet to the Place of Beginning, containing 0.0305 acre, more or less. Also known as Parcel "A" (2nd Parcel of land for #6401 Craigmont Road) and located in the 1st Election District, 4th 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: Parcel A Craigmont.doc\zoning

Item #07-409-5PHA

9130.0D MULHESS YELLOW - CUSTOMER AMOUNT & FINANCE RECEIPT PINK - AGENCY COUNTY, MISCELLANEOUS BUDGET BALTIMORE DISTRIBUTION WHITE - CASHIER OFFICE OF 100 DATE. FOR

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS DATE: 04/20/07 Case Number: 07-409-SPHA Petitioner/Developer: MATTHEW BRADLEY~~SITE RITE SURVEYING Date of Hearing (Closing): __May 8, 2007 This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 6401 CRAIGMONT ROAD, PARCEL "A" The sign(s) were posted on: April 20, 2007 ZONING NOTICE (Signature of Sign Poster) CASE # 07-409-SPHA A PUBLIC HEARING WILL BE HELD BY Linda O'Keefe THE ZONING COMMISSIONER (Printed Name of Sign Poster) IN TOWSON, MD ROOM 407 COUNTY COURTS BLDG. 523 Penny Lane PLACE: 401BOSLEY AVE. TOWSON-21204 (Street Address of Sign Poster)

6401 CRAIGMONT RD. PARCEL "A"

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PERALTY OF LAW

TO CONFIRM HEARING CALL 887-3391

HANDICAPPED ACCESSIBLE

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

OTICE OF ZONING HEARING

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

Case: # 07-409-SPHA
6401 Craigmont Road, Parcel 'A'
6401 Craigmont Road, Parcel 'A'
6401 Craigmont Road, Parcel 'A'

of Craigmont Road
1st Election District - 4th Councilmanic District
Legal Owner(s): Baftimore County, MD, by Edward
Adams
Contract Purchaser: Matthew Bradley
Special Hearing: to approve an existing detached accessory structure (carport) on a lot without a principal dwelling. Variance: to permit an existing detached accessory structure (carport) to have front and side yard setbacks of offect in lieu of the required 25 and 2.5 feet, respectively.
Hearing: Tuesday, May 8, 2007 at 11:00 a.m. In Room
407, County Courts Building, 401 Bosley Avenue,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handkapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT 4/742 Apr. 24

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41261,2007

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing paper published in Baltimore County, Md., in the following weekly news 200 each of once in

X The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

NE Booster/Reporter **Times** Owings Mills T

North County News

Wullus

LEGAL ADVERTISING



JAMES T. SMITH, JR. County Executive

TIMO Wandh K29, R2007 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: 07-409-SPHA

6401 Craigmont Road, Parcel "A"

N/side of Johnnycake Road, 154 feet west of centerline of Craigmont Road

1st Election District – 4th Councilmanic District

Legal Owners: Baltimore County, MD, by Edward Adams

Contract Purchaser: Matthew Bradley

Special Hearing to approve an existing detached accessory structure (carport) on a lot without a principal dwelling. Variance to permit an existing detached accessory structure (carport) to have front and side yard setbacks of 0 feet in lieu of the required 25 and 2.5 feet, respectively.

Hearing: Tuesday, May 8, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Ed Adams

Matthew Bradley, 6401 Craigmont Road, Baltimore 21207 Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 23, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 24, 2007 Issue - Jeffersonian

Please forward billing to:

Matthew Bradley 6401 Craigmont Road Baltimore, MD 21207 410-598-5828

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: 07-409-SPHA

6401 Craigmont Road, Parcel "A"

N/side of Johnnycake Road, 154 feet west of centerline of Craigmont Road

1st Election District – 4th Councilmanic District

Legal Owners: Baltimore County, MD, by Edward Adams

Contract Purchaser: Matthew Bradley

Special Hearing to approve an existing detached accessory structure (carport) on a lot without a principal dwelling. Variance to permit an existing detached accessory structure (carport) to have front and side yard setbacks of 0 feet in lieu of the required 25 and 2.5 feet, respectively.

Hearing: Tyesday, May 8, 2007 at 11:00 a.m. in Room 407, County Courts Building,

1 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
tem Number or Case Number: 07-409-SPHA	
Petitioner: Matthew Bradlev	
Address or Location: 6401 Crmin mont Road (Parul "A")	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Matthew Bradley	
Address: 6401 Commont Pond	
Baltimon, MD 21207	
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 3, 2007

Matthew Bradley 6401 Craigmont Road Baltimore, MD 21207

Dear Mr. Bradley:

RE: Case Number: 07-409-SPHA, Parcel "A" #6401 Craigmont Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 13, 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,

U. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Edward C. Adams 111 W. Chesapeake Avenue, Room 307 Towson 21204
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

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 (0)410-887-4880 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountymd.gov



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

Neil J. Pedersen, Administrator

John D. Porcari, Secretary Designate

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.7-409-3PHA
6401 CRAIGMONTRD

ADAMS PROPERTY

SPECIAL HEARING

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. 7-409-5744.

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).

 10°

Very truly yours,

FOR.

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 17, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-409-Variance and Special Hearing

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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director Department of Permits & Development Management DATE: March 21, 2007

FROM:

Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee

Item No. 07-409-SPH

The petitioner does not own the property on which he built the structure. It is County property, which must be declared surplus, be approved for sale by the County Council, and be purchased by the petitioner. A Zoning Commissioner's Order approving the structure could later be construed to be an acceptance by the County of not only the trespass but as a willingness to sell the property.

There is also an outstanding violation, Case #06-6725, for building without a permit.

We strongly recommend that the Zoning Commissioner not make any decision until the Council approves the sale and the violation case is resolved.

DAK

cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE:

May 8, 2007

TO:

John Beverungun, Esquire

County Attorney

FROM:

John V. Murphy

Deputy Zoning Commissioner

SUBJECT: Case No. 07-409-SPHA

Request for Special Hearing and Variance

The above case was heard by me on May 8, 2007 and raised serious doubts in my mind regarding the status of the Parties. As shown by the attached Petition, Mr. Bradley is the contract purchaser and Baltimore County is the seller. I would greatly appreciate your advice in this matter.

I understand that Mr. Bradley's home adjoins the County's stormwater management facility located along side of the Beltway in Catonsville. See Petitioner's Exhibit 1 attached. Apparently he has maintained a significant portion of the County property between the ramp to the Beltway and his property for many years. Several years ago he erected a carport on County property being unaware the County owned the strip of land between his home and the Beltway ramp.

Subsequently the County Code Enforcement Office filed a correction notice for a building erected without a permit at which time the Petitioner discovered he did not own the subject property.

He would like to purchase the property from the County, has contacted DEPRM (see letter from R. A. Wirth) and is proceeding through the County process to declare the land surplus, and have the Council approve the sale.

Under these circumstances, I am not sure Mr. Bradley is a contract purchaser or that Mr. Adams is in a position to declare the County is the seller. I would greatly appreciate your opinion in this regard.

Attachments

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
Parcel A, 6401 Craigmont Road; N/S * ZONING COMMISSIONER
Johnnycake Rd, 154' W c/line Craigmont Road
1st Election & 4th Councilmanic Districts * FOR
Legal Owner(s): Baltimore County, MD
by Edward C. Adams * BALTIMORE COUNTY
Contract Purchaser(s): Matthew Bradley
Petitioner(s) * 07-409-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of March, 2007, a copy of the foregoing Entry of Appearance was mailed Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED	Peter Max Dimmerman
*## 2 3 2007	PETER MAX ZIMMERMAN People's Counsel for Baltimore County
Per	1 copic a Counsel for Dummore Councy

John Murphy - 6401 Craigmont Rd.

From:

Patrick Daly

To:

Murphy, John

Date:

05/10/07 3:29 PM

Subject:

6401 Craigmont Rd.

Mr. Murphy,

John Beverungen has asked me to respond to your memo regarding 6401 Craigmont Rd. and the variance petition submitted by Mr. Matthew Bradley. In reviewing your memo, I discovered that Mr. Bradley's petition was not included with the documents that Mr. Beverungen gave to me (I have your memo and the revised plat prepared by Site Rite Surveying). Please send me a copy of Mr. Bradley's petition so that I can see exactly what relief he was seeking.

Patrick S. Daly
Assistant County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420 (phone)
(410) 296-0931 (fax)

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.





John Murphy - 6401 Craigmont Road

From:

Patrick Daly

To:

Murphy, John

Date:

05/15/07 11:47 AM

Subject: 6401 Craigmont Road

Mr. Murphy,

Thank you for providing me with the variance petition filed by Mr. Matthew Bradley. After reviewing the documents, I have concluded that your concerns are well-founded. In short, Mr. Bradley has no current interest in the property and, consequently, no standing to file for the variance he is seeking. Mr. Bradley has put the proverbial cart before the horse presumably because he wants to be certain that the county will grant the variance prior to his purchasing the property. In order to have standing as a contract purchaser, however, Mr. Bradley and the county must have a valid and binding contract for the property. This will not be the case until all necessary parties have signed a contract of sale and the sale has been approved by the County Council. If you would like a more formal written opinion (on letterhead) for your file, please let me know.

Patrick S. Daly Assistant County Attorney **Baltimore County Office of Law** 400 Washington Avenue Towson, Maryland 21204 (410) 887-4420 (phone) (410) 296-0931 (fax)

Confidentiality Statement

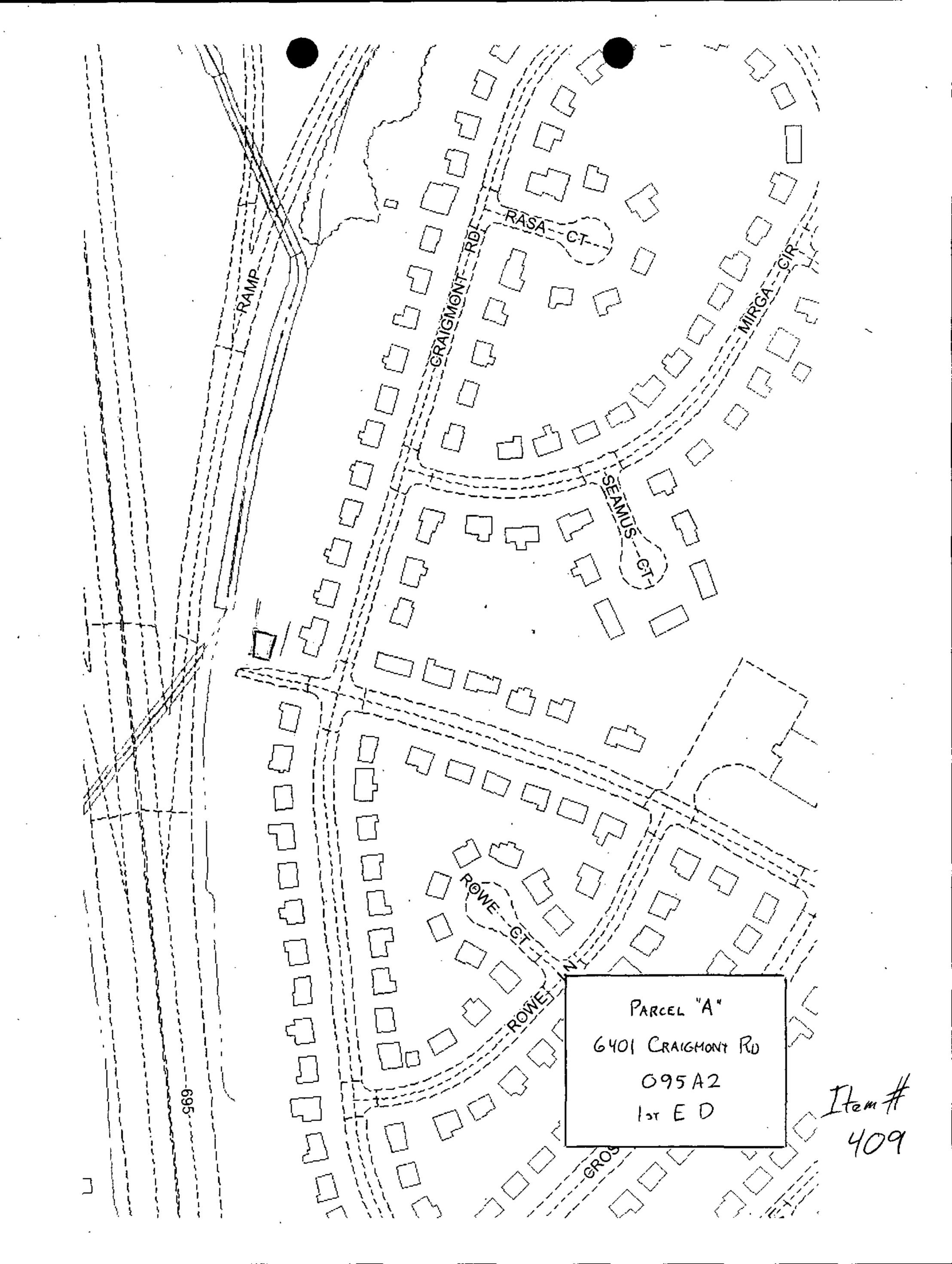
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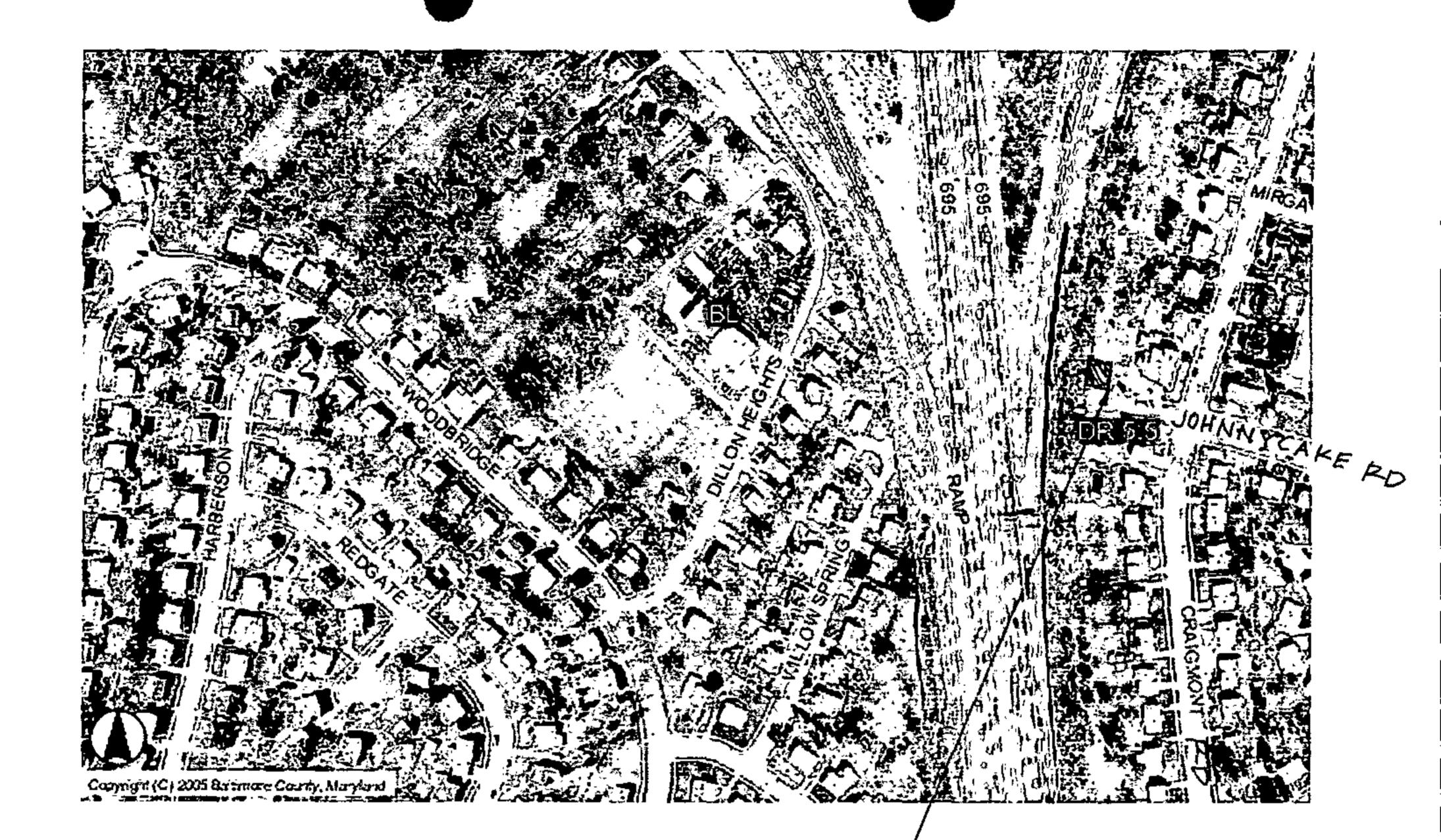
PLEASE PRINT CLEARLY

CASE NAME "Bradley Property CASE NUMBER 67-409 SPHA DATE 5/8/07

PETITIONER'S SIGN-IN SHEE

E-MAIL STATE, ZIP 1846. OWSON 200 E. Joppa Road ADDRESS RIKYN BRADLE RIK SWWWINN NAME





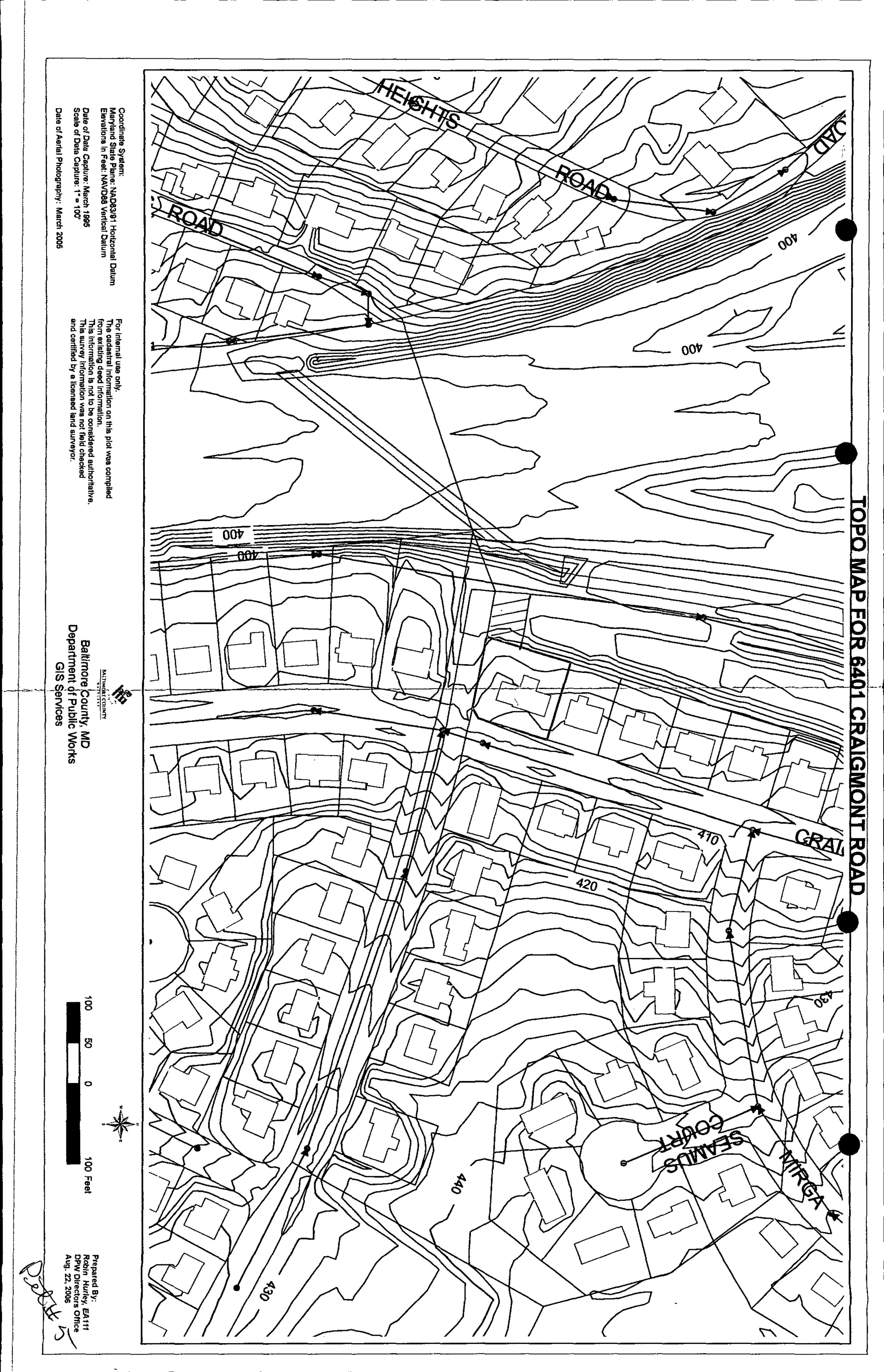
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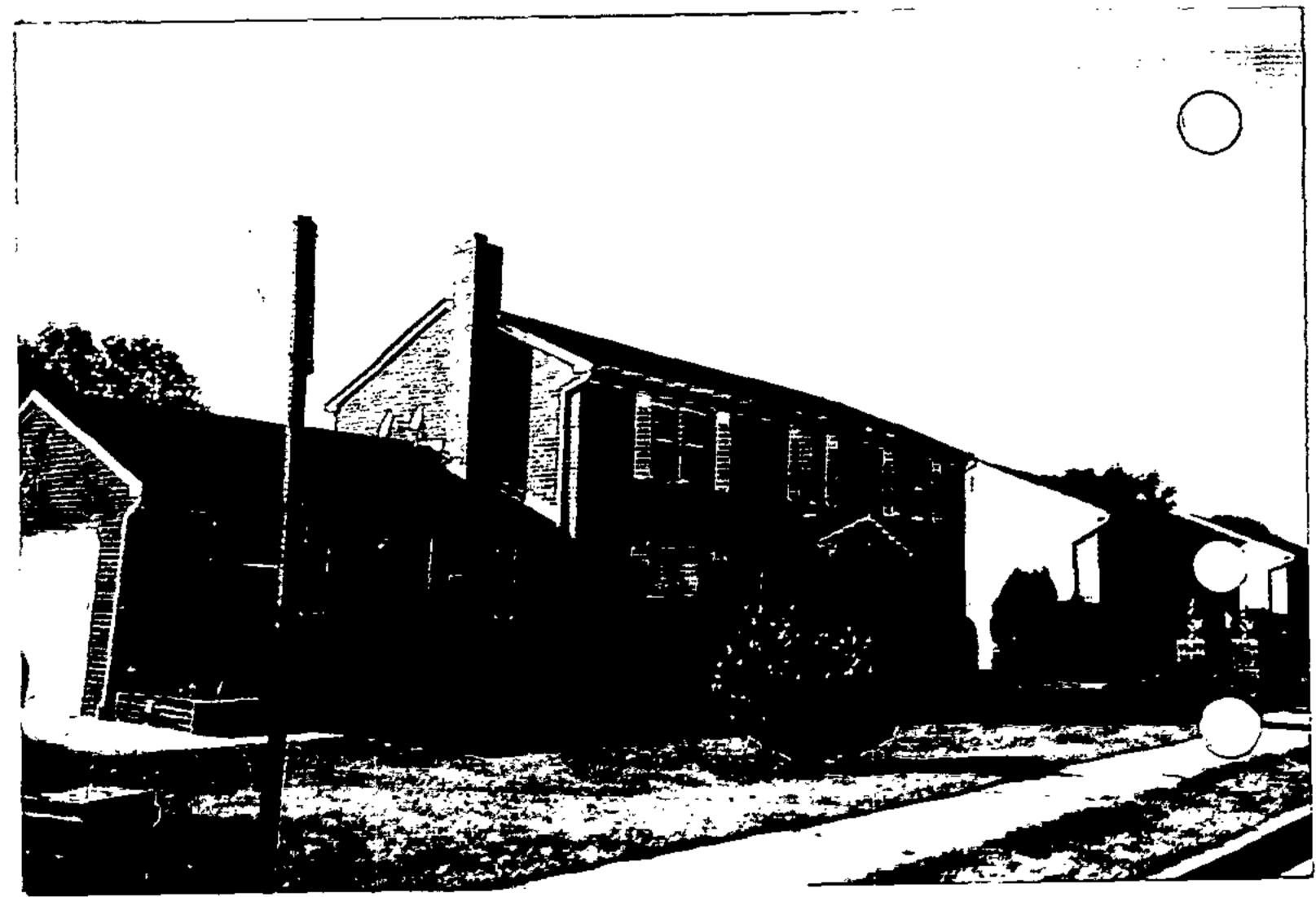
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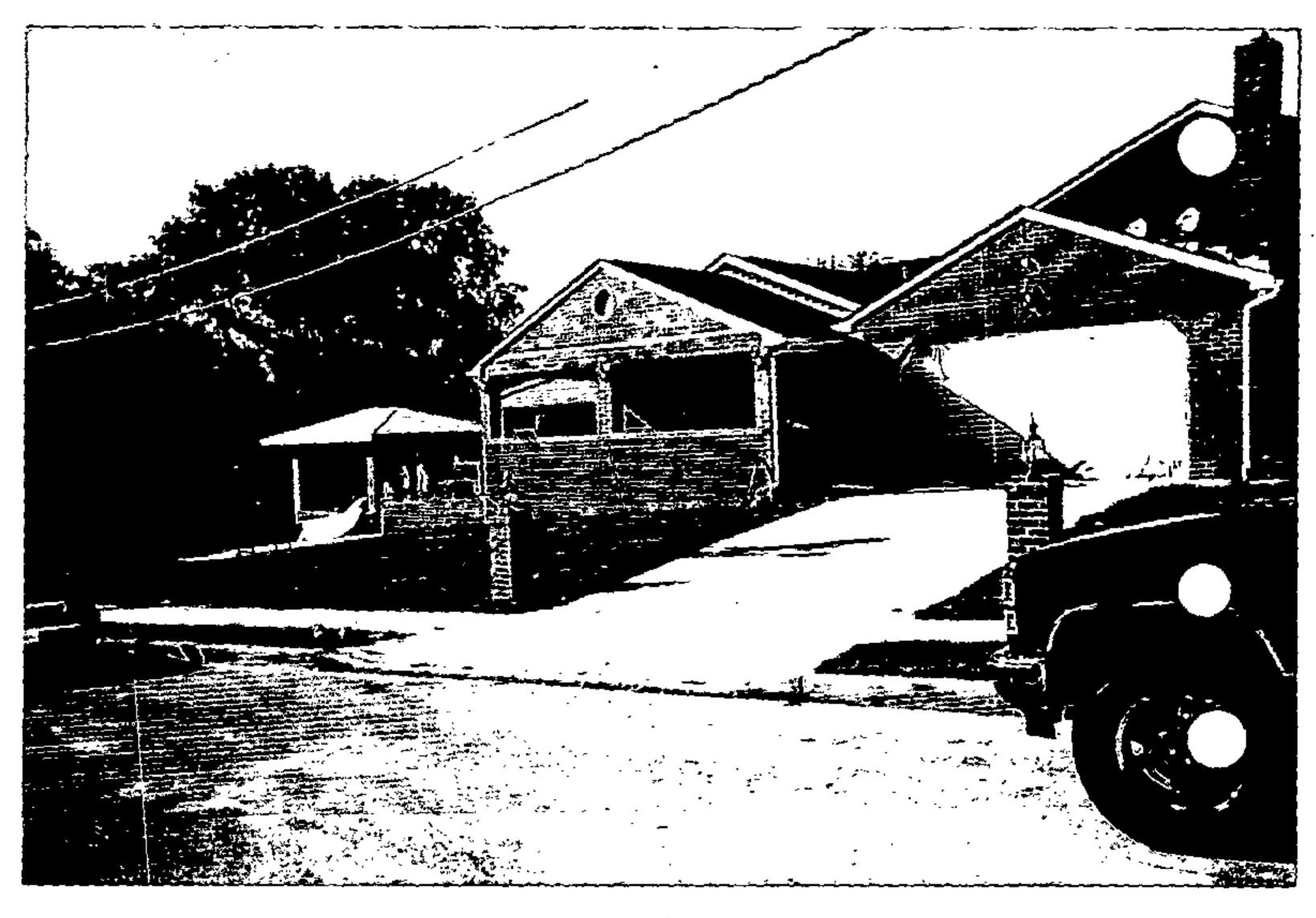
SECOND PAPCEL











1 410 788-8538 1 410 788-8538



Code Inspections and Enforcement Baltimore Coutite SAAHO (8) NOSH County Office Building

Department of Permits and Development Management 111 West Chesapeake Avenue

Towson, MD 21204 t. It is an p. & Montile you will this document carefully, as it charges you with a :

Code Enforcement:

410-887-3351 Electrical Inspection:

Plumbing Inspection: 6 ic. (1/419-897)3620, 410-887-3960

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	THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK

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INSPECTOR:

Not Later Thans

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Date Issued:



200 E. Joppa Road Shell Building, Suite 101 Towson, MD 21286 March 20, 2007

tel. 410.828.9060

fax. 410.828.9066

www.siteritesurveying.com

Code Inspection and Enforcement County Office Building Attn: Glenn Berry 111 W. Chesapeake Avenue Towson MD-21204

> Re: Citation No. 06-6725 #6401 Craigmont Rd

Dear Mr. Berry:

This letter is to describe the actions taken by Mr. Matthew Bradley, owner, to correct the above-referenced citation. Upon receipt of said citation, Mr. Bradley contacted this firm to assist him. A Development Review Committee Application was filed with the County on September 26, 2006 (DRC No. 101606F). The application had been tabled due to Zoning and Stormwater Management issues that needed to be addressed. Numerous meetings have taken place with Mr. Al Wirth of the Stormwater Management Dept. A copy of the findings letter is enclosed. In addition, variance and special hearing petitions (plan enclosed) have been filed with the Zoning Dept. to address the accessory structure located in the Stormwater Management Area of the "Discovery Acres" Subdivision. At present we are waiting for a Zoning Hearing to be scheduled to enable us to proceed with the Development Process.

If you should have any questions pertaining to the above, please do not hesitate to call.

Best regards.

Bernadette L. Moskunas

Vice President

VJM/atm Enclosure

Cc: Mr. Matthew Bradley

File: G Berry.doc\blm

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION .. NOTICE OF INTENTION TO DEFEND Print Name Citation/Case No.: Address:

VIOLATION SITE

#0846-002

Defendant's Signature

03/21/2007

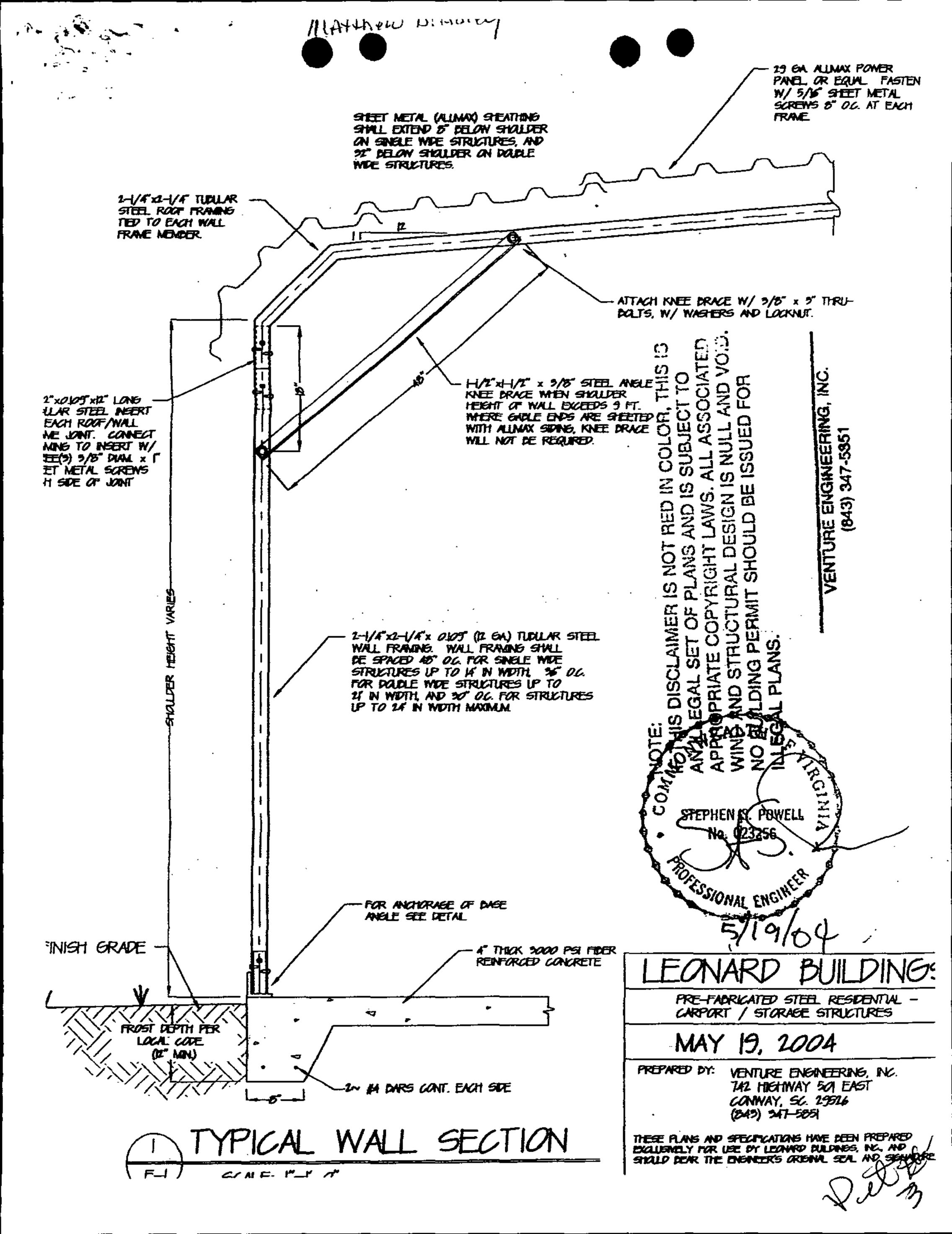
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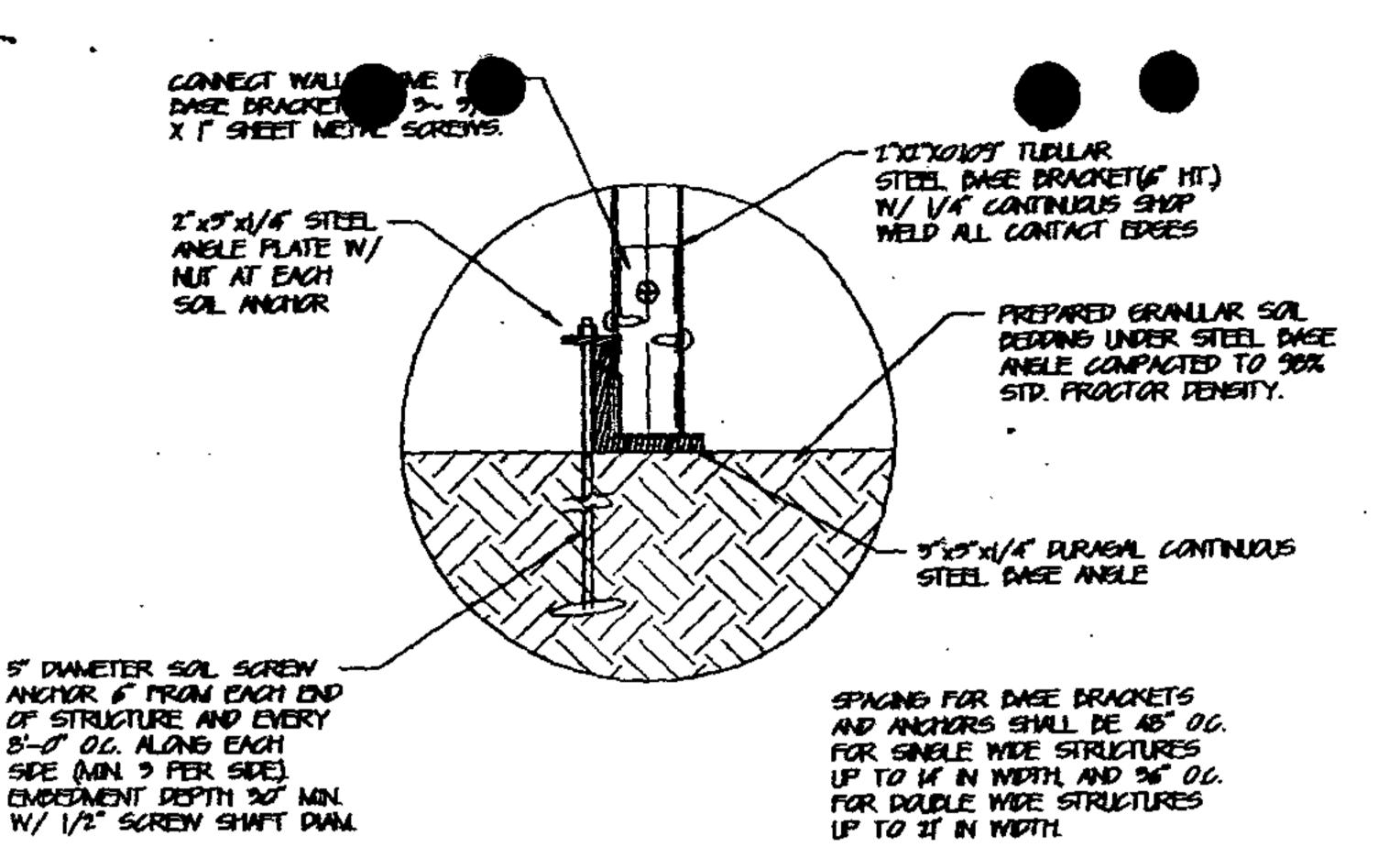
Violation

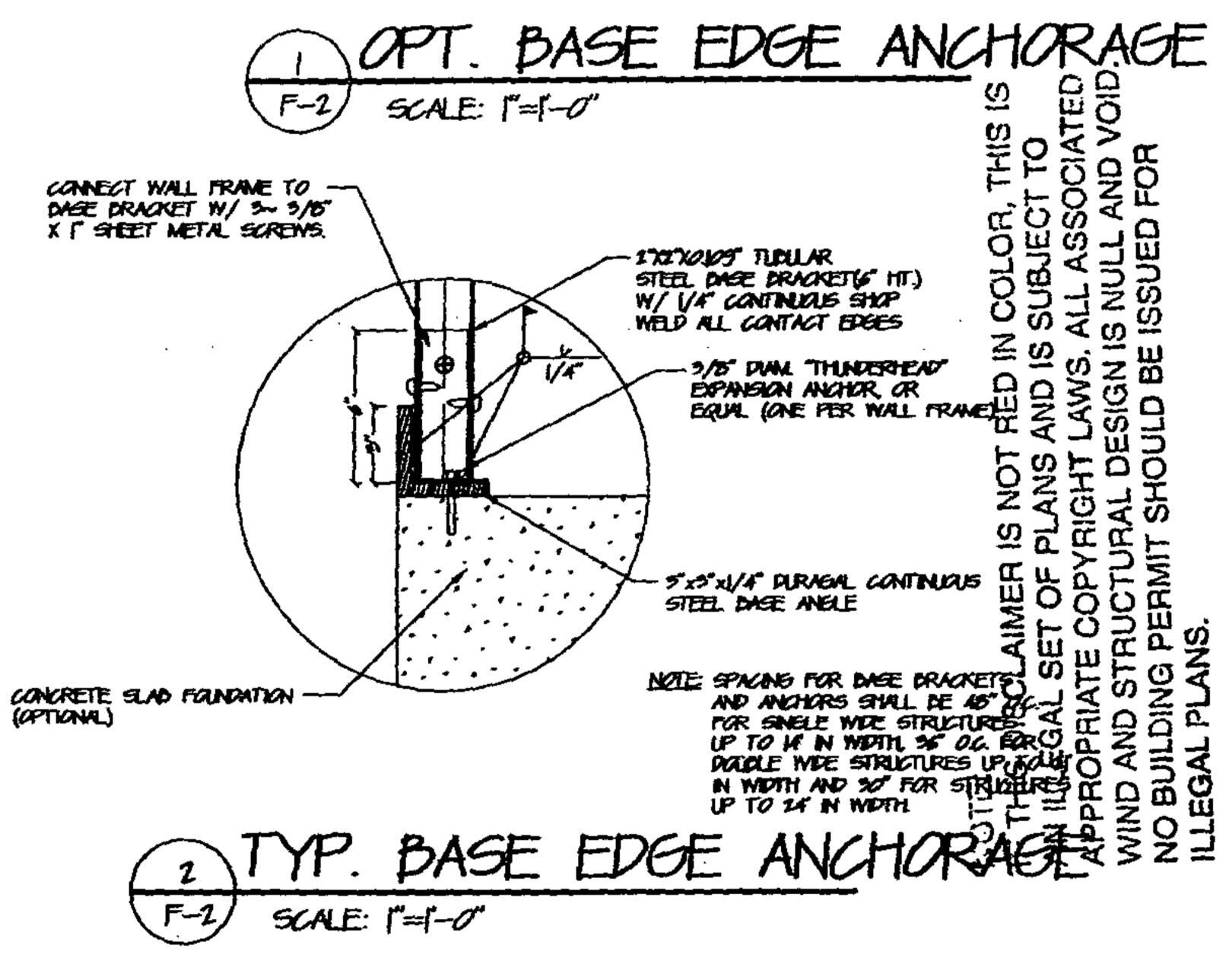
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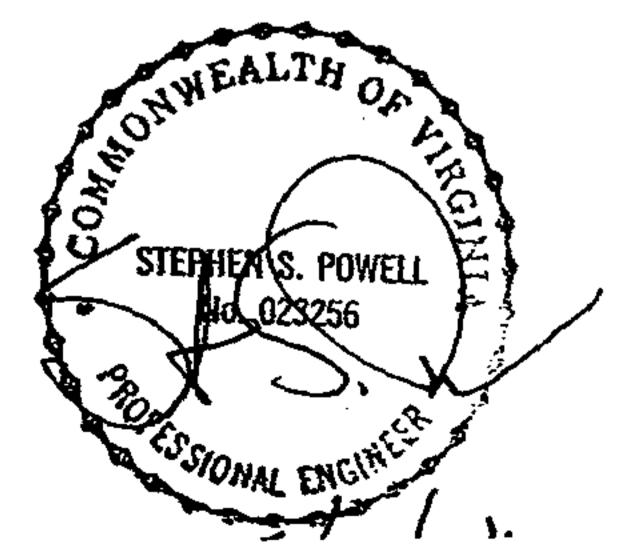
Violation

Dates:









LEONARD BUILDIN

PRE-FADRICATED STEEL RESIDENTIAL CARPORT / STORAGE STRUCTURES

MAY 19, 2004

PREPARED DY:

VENTURE ENGINEERING, INC. 742 HIGHWAY 501 EAST CONWAY, SC. 29524 (543) 247-5851

ENGINEERING

347-5851

(843)

THESE PLANS AND SPECIFICATIONS HAVE DEEN PREPARED EXCLISIMELY FOR USE BY LEGAVIRD MILDINGS, INC., AND SHOULD DEAR THE EMBNOER'S ORIGINAL SEAL AND SHOW

GENERAL NOTES:

- I IN CASE OF DISCREPANCY IN DIMENSIONS OR DETAILS WITH THE STRUCTURAL DRAWINGS, CONTACT THIS OFFICE
- I ALL MATERIALS USED FOR CONSTRUCTION, DESIGN, DETAILING, FADRICATION, AND INSTALLATION SHALL CONFORM WITH ASTM, ACL NOMA, DIA, AISC, AND ALL OTHER APPLICABLE CURRENT CODES AND STANDARDS, LATEST EDITION
-). ALL SECTIONS AND DETAILS ARE TYPICAL AT SMILAR LOCATIONS AND IMPERE APPLICABLE
- L VERIFY ALL DIMENSIONS, ELEVATIONS, AND DETAILS WITH THE ARCHITECTURAL, CIVIL, MECHANICAL, ETC. INCLUDING ALL OTHER CONSTRUCTION DOCUMENTS AND SHOP DRAWINGS PRIOR TO PADRICATION.
- 5. CONTRACTOR SHALL PROVIDE ADEQUATE DRACING AND SHORING FOR ALL MEMBERS DURING CONSTRUCTION AND SHALL BE RESPONSIBLE FOR ANY FALLINES AND DANGES DIE TO THE LACK OF SICH
- * RETER TO THE MANUFACTURER'S DRAWINGS FOR FINISHED CONSTRUCTION DETAILS NOT SHOWN ON THESE DRAWINGS.
- 7. NO LOADS OR EQUIPMENT STULL DE APPLIED ON STRUCTURAL MEMBERS WITHOUT WRITTEN APPROVAL DY THIS OFFICE.
- 8. FOOTINGS:
 - A FOOTING DESIGN IS DASED ON 1,000 P.SF. SOL DEARING PRESSURE
 - D. ALL FOOTINGS SHULL EXTEND DOWN TO SOLD DEARNS MATERIAL REGARDLESS OF ELEVATIONS SHOWN
- 9. ALL FOOTING AND WALL REINFORGEMENT SHALL BE ASTM. A-415 GRADE 60.
 - A DETAL AS PER ACI SPEC'S.
 - D. MUNTAIN 5" MINIMAN COVER ON ALL FOLNDATION STEEL
- ID. STRUCTURAL AND MISC. STEEL SHALL CONFORM TO ASTM A-36 SPECIFICATIONS.
 - A SHOP PAINT
 - D. FADRICATION AND EXECTION AS PER ALSO. SPEC'S.
- IL CONNECTIONS:

 A SHOP AND MELDED.

 D. MELD DOLLTS SHULL DE HIGH STRENGTH LING.

DESIGN DATA:

- I ALL CONCRETE SHALL BE FC=3000 PSI @ 18 DAYS
- 1 ALLOWABLE SOL BEARING PRESSURE IS ASSUMED 8
- 3. ALL REDAR PY=60,000 PSI, GRADE 60
- 4 ALL FILL SHULL BE COMPACTED TO 98% STD. PROCTOR PLACED AT 8" LIFTS (MUX) -CLEAN SAND CLAY MATERIAL
- 5. MINIMUM DESIGN LOADS:

ROOF LIME LOND-ROOF DEAD LOAD-

10 PSF. 10 PSF.

WIND VELOCITY-

MPH OF

6. THE STRUCTURAL DETAILS SHOWN ON THESE PLANS ARE AREQUITE TO SUPPORT WIND AND FOUNDATION LOADING IN ACCORDANCE WITH THE 1000 PC CODE AND ASCE 1-90 LATEST EDITION.

RESIDENTIAL SEISMIC DESIGN DATA:

02 SECOND SPECTRAL RESPONSE ACCELERATION

0.2440 9

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SEISMIC DESIGN CATEGORY

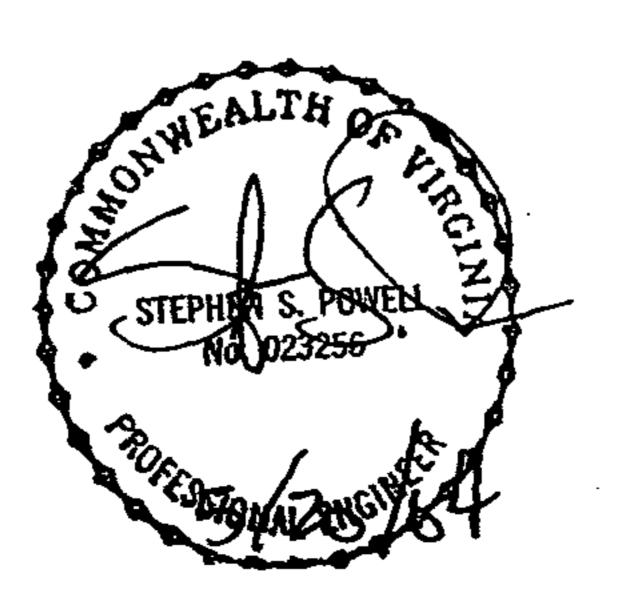
DEARING WALL SYSTEM:

LIGHT-FRAMED WALLS SHEATHED W/SHEATHING

NOTE:

IF THIS DISCLAIMER IS NOT RED IN COLOR, THIS IS AN ILLEGAL SET OF PLANS AND IS SUBJECT TO APPROPRIATE COPYRIGHT LAWS. ALL ASSOCIATED WIND AND STRUCTURAL DESIGN IS NULL AND VOID. IND BUILDING PERMIT SHOULD BE ISSUED FOR ILLEGAL PLANS.

VENTURE ENGINEERING, INC. (843) 347-5851



LEONARD BUILDING

PRE-FACRICATED STEEL RESIDENTIAL CARPORT / STORAGE STRUCTURES

MAY 19, 2004

PREPARED DY:

VENTURE ENGINEERING, INC. 742 HIGHWAY 501 EAST CONWAY, SC. 19526 (843) 347-5851

THESE PLANS AND SPECIFICATIONS HAVE DEEN PREPARED EXCLUSINELY FOR USE BY LEANARD DILLDINGS, NO. AND SHOULD SEAR THE ENGNEER'S ORIGINAL SEAL AND SIGNATU



JAMES T. SMITH, JR. County Executive

DAVID A.C. CARROLL, Director Department of Environmental Protection and Resource Management

410 887-3768

FAX

410 887-4804

January 30, 2007

Storm Water Engineering

Site: Rite Surveying 200 E. Joppa Road, Room 101 Towson, Maryland 21286 Attention: Vincent Moskunas

> RE: DISCOVERY ACRES POND 1 6401 Craigmont Road Project I.D. A076032

Dear Mr. Moskunas:

This office has inspected the referenced stormwater management pond and reviewed the plat title "Field Located Existing Encroachments No. 6401 Craigmont Road" and we offer the following comments:

- 1. The noted encroachments of carport and patio in the Baltimore County stormwater management reservation must be is in compliance with all County zoning and development regulations in addition to the stormwater management conditions. I would need notification from the Department of Permits & Development.
- 2. Maintain a 15' in fee access to the stormwater management pond. The corners of the reservation must be established in the field with monuments.
- 3. Replace 42" dark PVC coated chain link fence and gate in accordance with present stormwater management regulations.
- 4. Remove garden & fence behind carport on the stormwater management pond embankment.
- 5. Encroachment plat must be signed and sealed by a Land Surveyor registered in Maryland.
- 6. The sale price of the land is needed and must be approved by Baltimore County Land Acquisition.
- 7. The proposed owner will refrain from future trespassing and encroachment activities in the remaining reservation.

Should there be any questions, I may be contacted at 410-887-3768.

Very truly yours.

R. Alexander Wirth, PE, Manager

Storm Water Engineering

RAW:pms

c: Department of Permits & Development

Land Acquisition

Field Operations

Discovery a 1

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