

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Gifford Lane, 500 feet NW

c/l Firehouse Road

7th Election District

3rd Councilmanic District

(527 Gifford Lane)

Mark David and Elaine Marie Shelley

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

BALTIMORE COUNTY

*

CASE NO. 07-523-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, Mark David and Elaine Marie Shelley. The variance request is for property located at 527 Gifford Lane. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (pole barn) with a height of 17 feet 6 inches in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 30 foot x 64 foot pole barn for storage and safety of antique tractors. The additional height is necessary to accommodate the size of said tractors.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated May 29, 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

RECEIVED FOR PLANNING

6-18-07

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 May 27, 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 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 18th day of June, 2007 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (pole barn) with

RECEIVED FOR MR. [illegible]
6-18-07
[Signature]

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Gifford Lane, 500 feet NW

c/l Firehouse Road

7th Election District

3rd Councilmanic District

(527 Gifford Lane)

Mark David and Elaine Marie Shelley

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

BALTIMORE COUNTY

*

CASE NO. 07-523-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, Mark David and Elaine Marie Shelley. The variance request is for property located at 527 Gifford Lane. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (pole barn) with a height of 17 feet 6 inches in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 30 foot x 64 foot pole barn for storage and safety of antique tractors. The additional height is necessary to accommodate the size of said tractors.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated May 29, 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

of 17 feet 6 inches in lieu of the required 15 feet 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. In the event the structure shall become enclosed, the Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 527 GIFFORD LANE
which is presently zoned RC5

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) 400.3 (BCZR)

TO PERMIT A DETACHED ACCESSORY STRUCTURE
(POLE BARN) WITH A ^{TRAILER} HEIGHT OF 17' 6" IN LIEU OF
THE REQUIRED 15'

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):

MARK DAVID SHELLEY

Name - Type or Print

Mark David Shelley

Signature

ELAINE MARIE SHELLEY

Name - Type or Print

Elaine Marie Shelley

Signature

527 GIFFORD LANE

Address

Telephone No.

MONKTON

City

MD

State

21111

Zip Code

Representative to be Contacted:

MARK SHELLEY

Name

527 GIFFORD LANE

Address

410 329-8019

Telephone No.

MONKTON

City

MD

State

21111

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. 07-523-A

REV 10/25/01

Reviewed By CTM

Date

5/16/07

Estimated Posting Date

5/27/07

~~FORM RECEIVED FOR FILING~~

6-18-07

pb

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 527 CLIFFORD LANE
Address
MONKTON MD 21114
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):

This building will store vintage farm tractor's and farm equipment. And other items as well.

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.

Mark David Shelley
Signature

Elaine Marie Shelley
Signature

MARK DAVID SHELLEY
Name - Type or Print

ELAINE MARIE SHELLEY
Name - Type or Print

MARK DAVID SHELLEY & ELAINE MARIE SHELLEY

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of MAY, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARK DAVID SHELLEY & ELAINE MARIE SHELLEY
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Judy A. Horst
Notary Public

My Commission Expires 7-13-09

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 527 CLIFFORD LANE
Address
MONKTON MD 21111
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):

This building will store vintage farm tractor's and farm equipment. And other items as well.

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.

Mark David Shelley
Signature

MARK DAVID SHELLEY
Name - Type or Print

Elaine Marie Shelley
Signature

ELAINE MARIE SHELLEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of MAY, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARK DAVID SHELLEY & ELAINE MARIE SHELLEY
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Judy A Horst
Notary Public

My Commission Expires 7-13-09



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 527 GIFFORD LANE
which is presently zoned RLS

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) 400.3 (BCZR)

TO PERMIT A DETACHED ACCESSORY STRUCTURE
(POLE BARN) WITH A HEIGHT OF 17'6" IN LIEU
OF THE REQUIRED 15'.

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):

MARK DAVID SHELLEY

Name - Type or Print

Mark David Shelley

Signature

ELAINE MARIE SHELLEY

Name - Type or Print

Elaine Marie Shelley

Signature

527 GIFFORD LANE

Address

Telephone No.

MONKTON

City

MD

State

21111

Zip Code

Representative to be Contacted:

MARK SHELLEY

Name

527 GIFFORD LANE 410.329.8019

Address

Telephone No.

MONKTON

City

MD

State

21111

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. 07-523-A

Reviewed By LTM

Date 5/16/07

REV 10/25/01

Estimated Posting Date 5/27/07

678-07
RB

32 39 ZONING DESCRIPTION

ZONING DESCRIPTION FOR
527 GIFFORD LANE

BEGINNING AT A POINT ON THE
SOUTH SIDE OF GIFFORD LANE
WHICH R-O-W VARIES AT A DISTANCE
OF 500' + NORTH WEST OF CENTERLINE
OF FIREHOUSE ROAD R-O-W VARIES
AS RECORDED IN DEED LIBER 23123
FOLIO 478

SEE
ATTACHED

ALSO KNOWN AS 527 GIFFORD LANE

#523

I need to make this ~~pole~~
pole barn with extra height so
my antique tractor's are brought
in from sitting out in bad
weather and I can keep my
property looking the best that
I can make it appear. And I
also need the height of this
pole barn so I also can maintain
them in quality running
condition. It gives me a place
that I can work on them year
round.

AFTER RECORDING, PLEASE RETURN TO:

Robert L. Stocksdales, LLC

1920 Rock Spring Road

Second Floor

Forest Hill, MD 21050

410-893-3363

File No. M05-1281HE

This Deed, made this **4th** day of **November, 2005**, by and between **JOSHUA E. SHELLEY** and **MARK D. SHELLEY**, parties of the first part, Grantors; and **MARK D. SHELLEY** and **ELAINE M. SHELLEY**, husband and wife, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of **ZERO AND 00/100 DOLLARS (\$0.00)**, (the true consideration being love and affection of a father for his son and his daughter-in-law, the outstanding Principal balance of an open Deed of Trust being assumed and refinanced by the Grantees being \$116, 792.17), the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said **MARK D. SHELLEY** and **ELAINE M. SHELLEY**, husband and wife, as Tenants by the Entirety, their assigns, the survivor of them and the survivor's personal representatives and assigns in fee simple, all that lot of ground situate in **Baltimore County, Maryland** and described as follows, that is to say:

BEGINNING for the first at an iron pin set on the fifth line of the whole tract described in a Deed from Wm. C. Johnson and wife to Harry E. Shelley and wife, dated April 12, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.R. No. 1556, folio 239, etc. said pin being also at the end of the first line of the land described in a Deed from Harry E. Shelley and wife to Herbert L. Naylor and wife, dated June 24, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.S. No. 3182, folio 199, etc. thence running in a reverse direction and binding on a part of said fifth line of the whole tract, and binding on the fourth line and a part of the third line, south 08 degrees 51 minutes east 329.90 feet to a pipe and south 85 degrees 31 minutes west 250.28 feet to a pipe; thence running for a line of division and binding on the east side of a 20 foot right of way described below, north 17 degrees 58 minutes west 233.60 feet to a pipe at the end of the third line of the land described in a Deed of even date from Ella M. Shelley to John H. Shelley and wife, thence running and binding on the third and second lines of the last mentioned Deed north 71 degrees 10 minutes east 100.10 feet and north 14 degrees 43 minutes west 29.00 feet to the second line of the land described in a Deed from Harry E. Shelley and wife to Donald E. Cole, dated June 24, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.S. No. 3182, folio 196, etc., thence running reversely and binding on the second line of the last mentioned Deed and

on the second line of the Deed secondly mentioned above north 71 degrees 11 minutes east 193.8 feet to the point of beginning. Containing 1.78 acres more or less and being a part of the Deed first mentioned above to Harry E. Shelley and wife.

BEGINNING for the second at a pipe set at the end of the second or south 85 degrees 31 minutes west 250.28 foot line of the parcel of land which by Deed dated January 28, 1966, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4581, folio 474, was granted and conveyed by Ella M. Shelley, widow to Joshua E. Shelley and Dorothy A. Shelley, his wife and running thence binding on the third line in said Deed north 17 degrees 59 minutes west 233.50 feet to a pipe set at the end of the 71 degrees 2 minutes 18 seconds west 100.11 foot line of a parcel of land which by Deed dated January 28, 1966, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4581, folio 472, granted and conveyed by Ella m. Shelley, widow to John H. Shelley and Hasel V. Shelley, his wife, and running thence binding on the fourth line in said Deed north 17 degrees 58 minutes west 217.05 feet to a railroad spike on the southeast side of the old road 16 ½ feet wide leading to York Road and running thence binding on the southeast side of said road south 68 degrees 43 minutes west 10 feet more or less to intersect the center line of the 20 foot Right-Of-Way as described and mentioned in a Deed first hereinabove referred to from Ella M. Shelley, widow to Joshua E. Shelley and wife and running thence binding on the center line of said 20 foot right of way south 17 degrees 58 minutes east 450.65 feet more or less to intersect the north 85 degrees 8 minutes east 253.6 foot line of the parcel of land which by Deed dated June 23, 1963, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4172, folio 134, was granted and conveyed by Harry E. Shelley and Ella M. Shelley, his wife, to Clara Mae Shelley and running thence binding on part of said line north 85 degrees 31 minutes east 10 feet more or less to the place of beginning.

The improvements on above two parcels being known as No. 527 Gifford Lane.

SAVING AND EXCEPTING so much of said property as was conveyed to Baltimore County, Maryland, by Deed recorded in Liber 14756, folio 304, for the widening of Gifford Lane.

BEING same property which by Deed dated July 25, 1995 and recorded among the Land Records of Baltimore County in Liber 11181, folio 740, was granted and conveyed by Joshua E. Shelley unto the Grantors herein.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-⁷ 523 -A Address 527 GIFFORD LANE
Contact Person: LLOYD MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 5/16/07 Posting Date: 5/27/07 Closing Date: 6/11/07

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 08-⁷ 523 -A Address 527 GIFFORD LANE
Petitioner's Name MARK SHELLEY ET UX Telephone 410 329 8014
Posting Date: 5/27/07 Closing Date: 6/11/07
Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE
(POLE BARN) WITH A HEIGHT OF 17' 6" IN LIEU OF
THE REQUIRED 15'

WCR - Revised 6/25/04

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 07-523-A

Petitioner: Mark David Shelley

Address or Location: 527 Bufford Lane Monroton Md 21111

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mark David Shelley

Address: 527 Bufford Lane
monroton Md 21111

Telephone Number: 410 329-8019

CERTIFICATE OF POSTING

Date: 5-27-07

RE: Case Number: 07-523-A
Petitioner/Developer: Mark Shelley et ux
Date of Hearing/Closing: 6-11-07

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 527 Gifford Lane

The sign(s) were posted on 5-27-07
(Month, Day, Year)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 07-523-A
TO PERMIT A DETACHED ACCESSORY
STRUCTURE (POLE BARN) WITH A
HEIGHT OF 17'6" IN LIEU OF THE
REQUIRED 15 FEET

527 GIFFORD LANE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE
4:30 p.m. ON 6-11-07
ADDITIONAL INFORMATION
ZONING ADMINISTRATOR

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, Md 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27997

DATE 5/16/07 ACCOUNT 12001 006 6150

AMOUNT \$ 65.00

RECEIVED
FROM: SKELLEY

FOR: 07-523-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DEBITED AMOUNT TIME DEBITED
5/16/2007 5/16/2007 07:23:23 1
NO. 4301 WALTON JR. JR.
>>RECEIPT # 31363 5/16/2007 07:23:23
Dept. 5 520 TOWN OF VERIFICATION
CR NO. 027997

Receipt Tot 165.00
\$.00 CR 165.00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION



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

June 11, 2007

Mark David Shelley
Elaine Marie Shelley
527 Gifford Lane
Monkton, MD 21111

Dear Mr. and Mrs. Shelley:

RE: Case Number: 07-523-A, 527 Gifford Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

State Highway
Administration

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

Maryland Department of Transportation

Date: MAY 22, 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. 7-523 A
527 GIFFORD AVENUE
SHELLEY 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. 7-523A.

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

INTEROFFICE CORRESPONDENCE

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

DATE: May 24, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For May 28, 2007
Item Nos. 07-500, 512, 513, 514, 515,
516, 517, 519, 520, 522, 523, 524, 525

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-05242007.doc

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

May 24, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

5

Item Number: 512 through 529 and 522 and 523

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 29, 2007

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

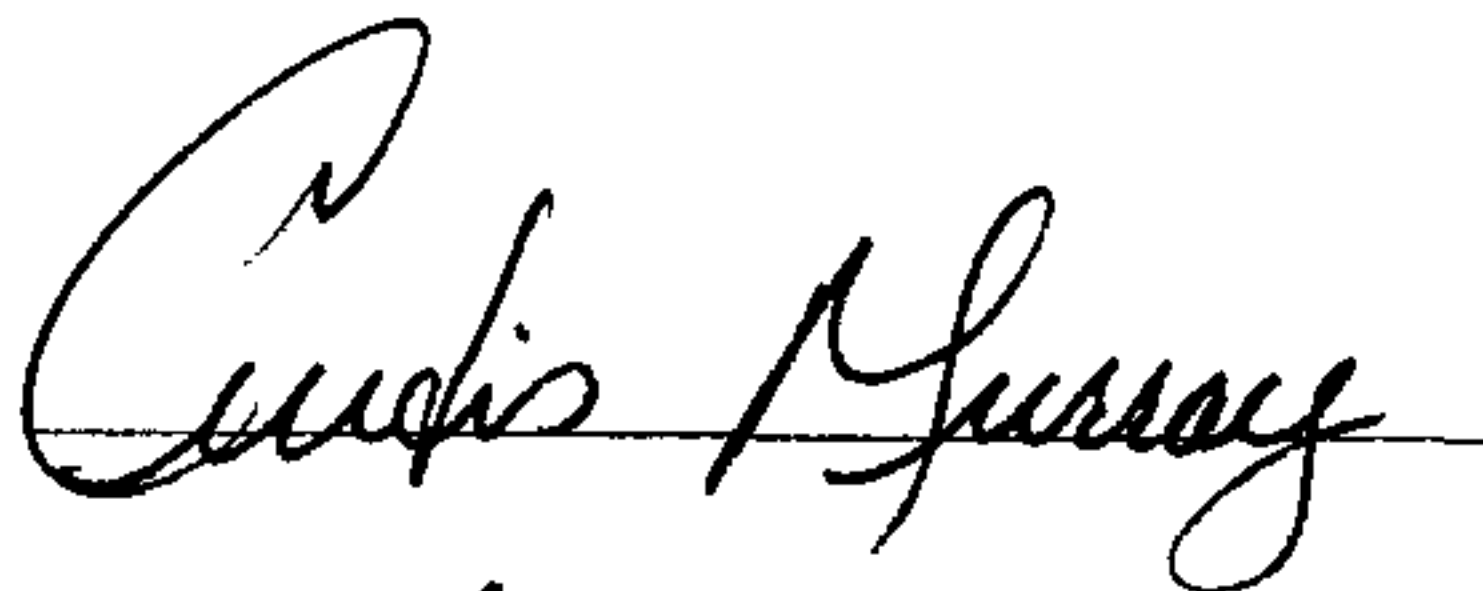
SUBJECT: 7-523 –Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage/ pole barn) with a height of 17.6 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. In the event the structure shall become enclosed, the petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by:



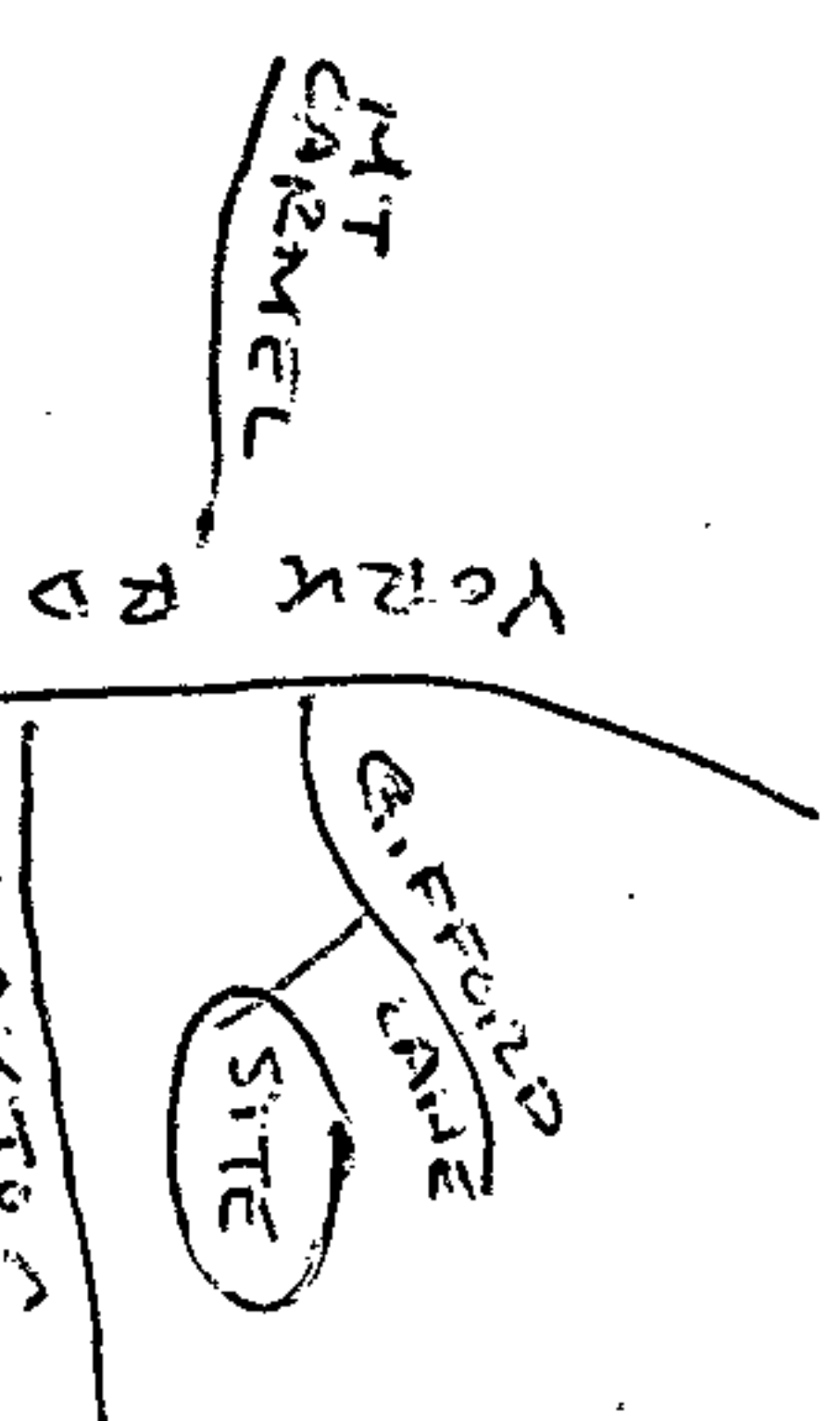
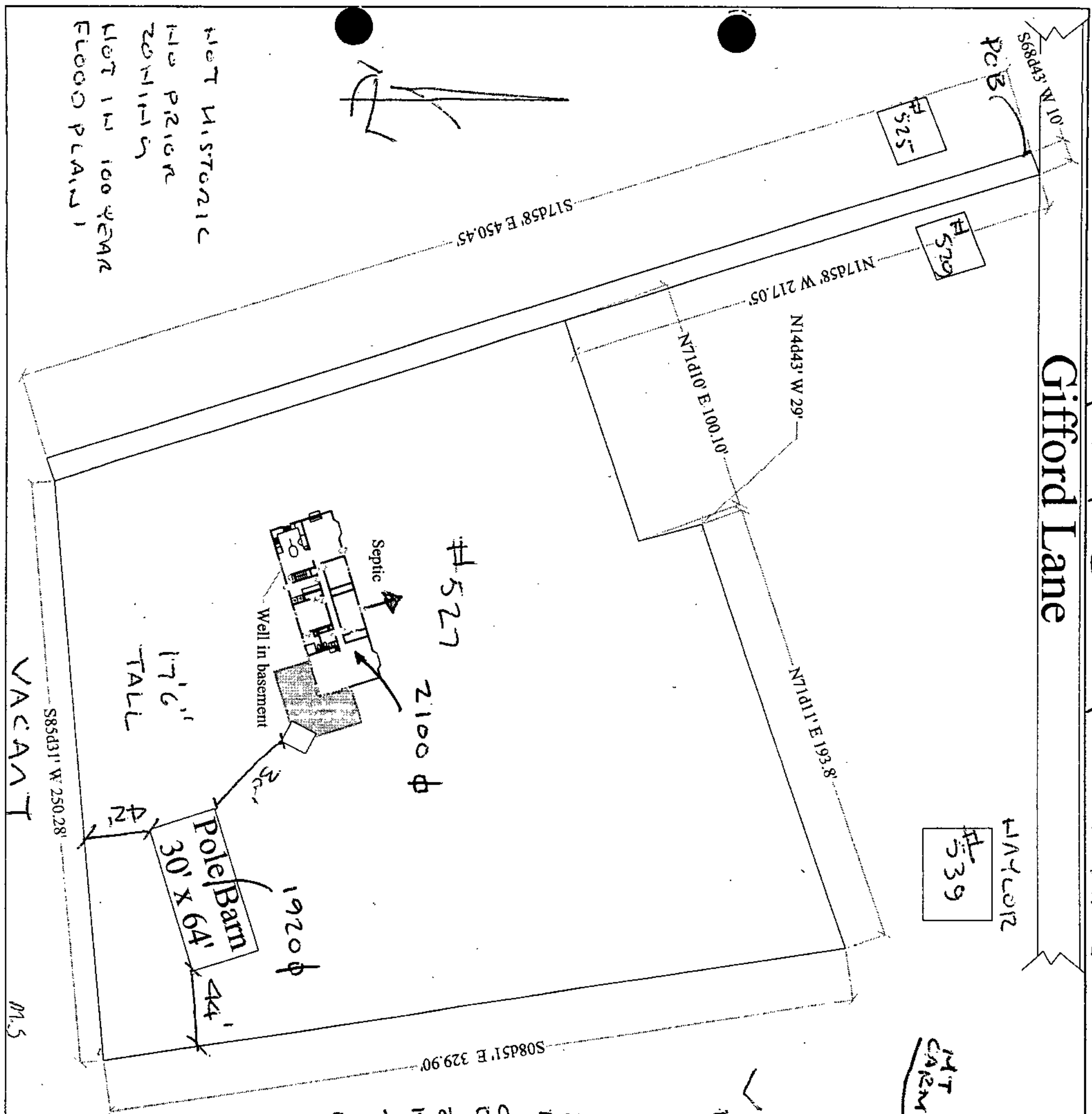
Section Chief:



AFK/LL: CM

PLAT TO ACCOMPANY ZONING VARIANCE

Gifford Lane



VICINITY MAP
 1"=2000'

#611
 NOCCUM

ELECTION
 DISTRICT - 7

CONGRESSIONAL
 DISTRICT - 3

ZONING - R22A2

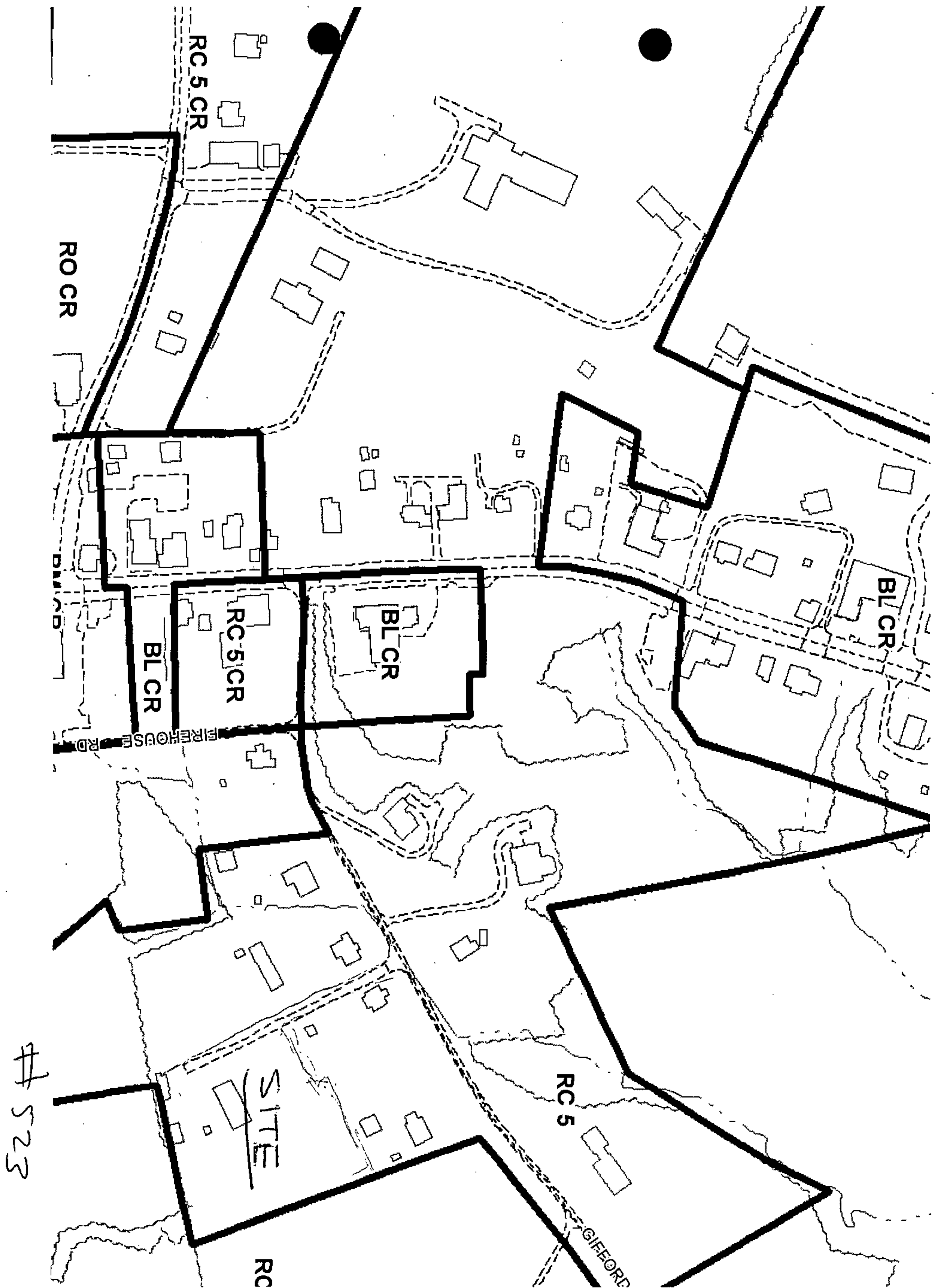
ZONING - RES

LOT SIZE - 1.75 AC

PRIVATE WELL &
 SEPTIC

NO CHES. BAY
 CRITICAL AREA

Mark & Elaine Shelley	
Property	
527 Gifford Lane, Monkton, Maryland 21111	
File Name:	
SHELLEY	
Scale: 1" = 60'-0"	
Drawn by: Ron Croft	Date: 06/13/06



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2006, Legislative Day No. 13

Resolution No. 48-06

Mr. T. Bryan McIntire Councilman

By the County Council, June 19, 2006

A RESOLUTION concerning the public disclosure of Mark David Shelley, an employee of Baltimore County.

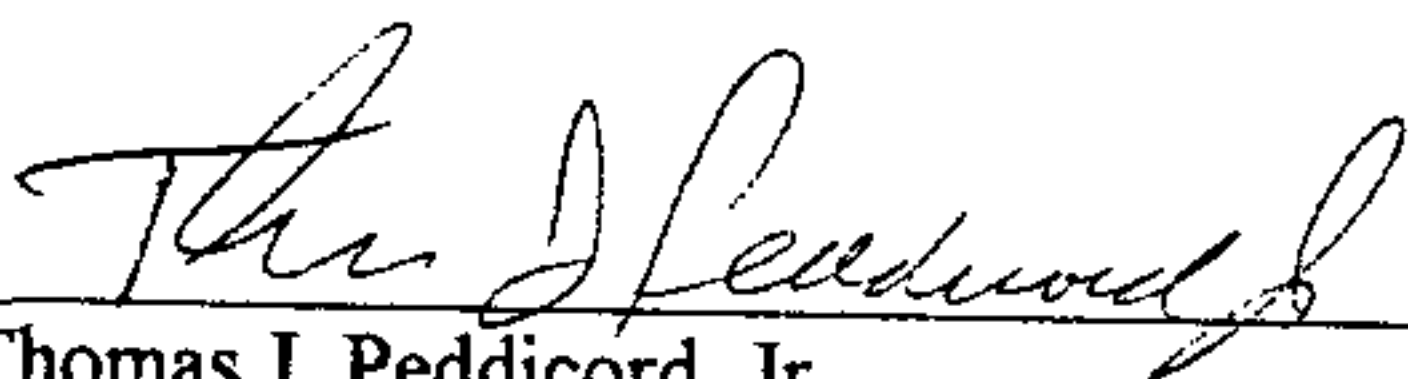
WHEREAS, Mark David Shelley, an employee of the Baltimore County Public Schools, has applied for a Zoning Variance to erect a pole barn at his property located on 527 Gifford Lane, Monkton, Maryland 21111; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a Zoning Variance filed by Mark David Shelley, does not contravene the public welfare and is hereby authorized.

READ AND PASSED this **19TH** day of **JUNE**, 2006.

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

ITEM: **RESOLUTION 48-06**

IMPORTANT MESSAGE

FOR Bill
DATE 8-20 TIME 1156 A.M.
M. Bruno P.M.

OF _____
PHONE 3391
AREA CODE NUMBER EXTENSION

☐ FAX

☐ MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	☒	PLEASE CALL	☒
CAME TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	RUSH	☐
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

MESSAGE
Re: 07-523-A

SIGNED

TOPS. FORM 3002P
MADE IN U.S.A.

8/21

Andrea or
Krusten -

Please place in
case file for
07-523-A.

Thanks.

Patti

Bill Wiseman - Re: S&I request

From: Bill Wiseman
To: Rudaitis, Bruno
Date: 08/20/07 4:56 PM
Subject: Re: S&I request

Bruno-

As we discussed, I have no reservations regarding the Cupola, as long as adjacent neighbors are consulted and voice no objection. The case involved was 07-523-A

William J. Wiseman, III
Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
Ph: 410-887-3868 Fax: 410-887-3468
wwiseman@baltimorecountymd.gov

>>> Bruno Rudaitis 08/20/07 3:13 PM >>>

I got a call from a builder regarding the installation of a cupola with a weathervane on top of a proposed garage which was granted a 17 ft. height variance. The cupola would extend the height by another 3 ft. It is 3 ft. x 3 ft. x 3 ft. Personally, I think it is ok; it's just a decorative thing. What do you think??

*Patti -
for your info*

06-14-06



06-14-06



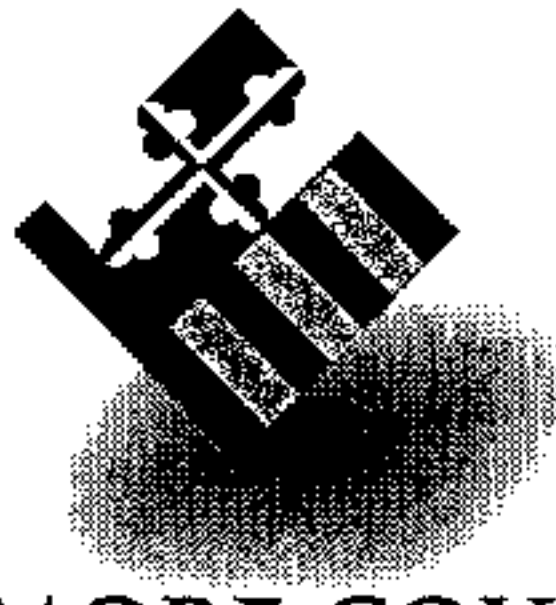
06-14-06



06-14-06







BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 18, 2007

MARK DAVID AND ELAINE MARIE SHELLEY
527 GIFFORD LANE
MONKTON MD 21111

Re: Petition for Administrative Variance
Case No. 07-523-A
Property: 527 Gifford Lane

Dear Mr. and Mrs. Shelley:

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

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 May 27, 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 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 18th day of June, 2007 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (pole barn) with a height

of 17 feet 6 inches in lieu of the required 15 feet 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. In the event the structure shall become enclosed, the Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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