

IN RE: **PETITION FOR VARIANCE**
S/S Ballygar Road, 312' W of c/line
Killbride Road
(4719 Ballygar Road)
11th Election District
5th Council District

Richard J. Gittings, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 08-001-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Katherine A. Gittings, her husband, Richard J. Gittings and Deborah MacMillan. The Petitioners seek variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan and photographs submitted, which were accepted into evidence and marked as Petitioner's Exhibits 1 and 2A through 2K, respectively.

Appearing at the requisite public hearing in support of the request were Richard and Katherine Gittings, property owners. Appearing as interested citizens/Protestants were Susan Gordon, who resides across from the Petitioners on the north side of Ballygar, and Charles Schweiger and John L. Gordon, who reside in the community.

Testimony and evidence offered revealed that the subject property is a pie-shaped parcel located with frontage on Ballygar Road just north of Ebenezer Road in the subdivision known as Silvergate Village in Perry Hall. The property contains a gross area of 6,675 square feet, more or less, zoned D.R.3.5, and is improved with a single-family dwelling (split-foyer with attached rear deck) and an accessory shed. It is this shed which is the subject of the instant

ORDER RECEIVED FOR FILING
Date 9-17-07
By [Signature]

request. In this regard, the Petition was filed as the result of an anonymous¹ complaint registered with the Code Enforcement Division of the Department of Permits and Development Management relative to the location of the subject shed. As shown on the site plan, the house is located in the central portion of the lot with the shed located in the front side yard setback thirty feet from Ballygar Road and in line with the front of Petitioner's home not far from the property line of the Higgins adjoining property to the east.

Testimony indicated that the Petitioners have owned and resided on the property since April 2007. After they moved to the property, the Petitioner purchased the subject shed for the purpose of storing lawn and garden tools and equipment. Mr. Gittings testified that he placed the shed in the side yard as the shed could not be located in the rear yard due to the steep drop of ten to twelve feet. *See* Petitioner's Exhibit 2. Mr. Gittings testified that he placed the shed for the reasons indicated above and was not aware of any County or community restrictions that would prevent him from doing so. He submitted numerous photographs depicting similarly located sheds throughout the immediate area erected in the side/front yards and questioned why he was being singled out given the immaculate way he and his wife maintain the property. Photographs submitted (Petitioner's Exhibits 3A through 3T) support his contention and show many sheds erected over time in disregard of the zoning regulations.

Relief is requested as set forth above to allow the shed to remain in its present location; however, Ms. Gordon and Mr. Schweiger appeared and testified in opposition to the request. They, and others (*See* letters submitted by Christopher Jacob, the Scheppske's, Mr. and Mrs. Frank J. Peroutka and others received as Protestants' Exhibits 1 through 6 respectively) are vehemently opposed to the location of the structure, which they maintain is clearly visible to surrounding properties. In support of their position, Ms. Gordon submitted photographs which

¹ It is worthy of note that Violation Case No. 07-6986 names Joseph E. Lawrence as the Complainant. When contacted about the upcoming public hearing, Mr. Lawrence indicated that he was not the Complainant and that someone had falsely used his name. *See* Petitioner's Exhibit 4, a letter signed by Mr. Lawrence indicating he has no interest in the matter.

ORDER RECEIVED FOR FILING
Date 9-17-07
By [signature]

show Silvergate Village homeowners who have regraded their rear yards to accommodate shed locations in accordance with B.C.Z.R. Section 400.1.

After due consideration of the testimony and evidence presented, I am persuaded to deny the variance request. It is clear that improvements such as the one at issue have been placed in side yards over the years and that a break down in enforcement has been a contributing factor here. However, as stated at the end of the hearing and now bears emphasis, I must consider the request in accordance with the mandate of *Cromwell v. Ward*, and Section 307 of the B.C.Z.R. rather than whether I think the shed's location is appropriate. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and would be unnecessarily burdensome.

Despite Mr. Gittings argument that the property is unique and that the hill in the rear yard and configuration of the lot justify his placing the shed in the side yard as opposed to the rear yard, I am not persuaded. In my judgment, the configuration and topography of the lot are not characteristics unique to this lot. Moreover, it was further illustrated through photographs submitted into evidence as Petitioner's Exhibits 2A through 2K, that sufficient room exists in the rear side yard to locate the shed in an area that would be more in keeping with the spirit and intent with the zoning regulations. Thus, I am persuaded to deny the variance.

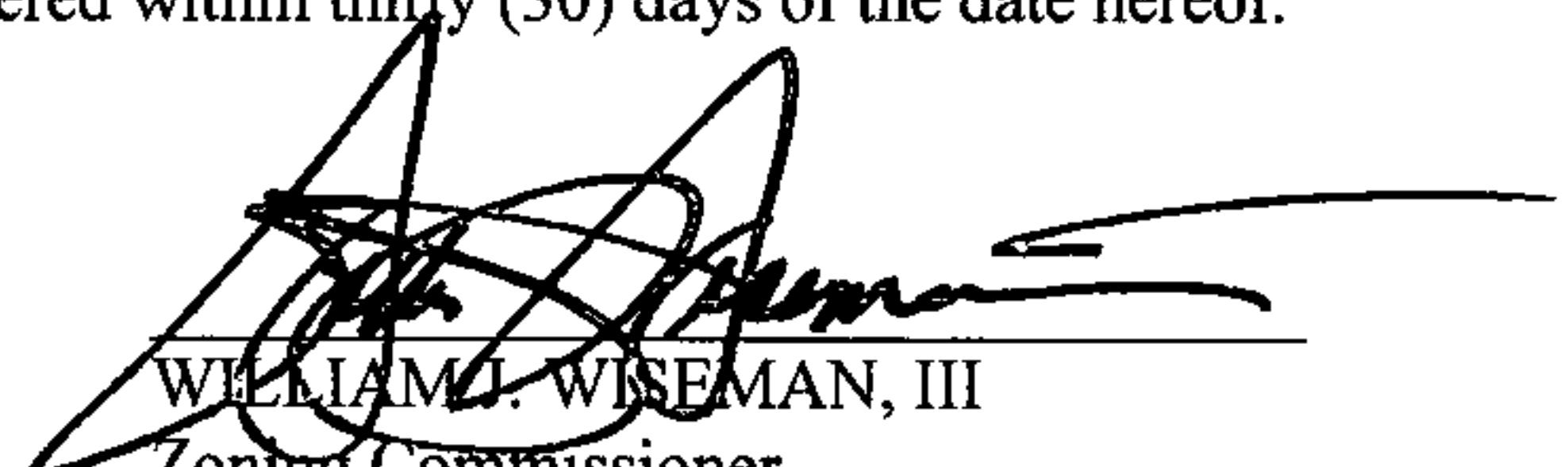
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of September 2007 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

ORDER RECEIVED FOR FILING
Date 9-17-07
By [signature]

IT IS FURTHER ORDERED that the Petitioner shall have 120 days from the date of this Order to relocate the shed to the rear yard in a location compliant with the zoning regulations.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 9-17-07
By 1923



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 17, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

Richard J. and Katherine A. Gittings
Deborah MacMillan
4719 Ballygar Road
Nottingham, Maryland 21236

RE: **PETITION FOR VARIANCE**
S/S Ballygar Road, 312' W of c/line of Killbride Road
(4719 Ballygar Road)
11th Election District – 5th Council District
Richard J. Gittings, et ux – Petitioner
Case No. 08-001-A

Dear Mr. and Mrs. Gittings and Ms. MacMillan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Susan Crone Gordon, 4718 Ballygar Road, Nottingham, Md. 21236
Charles Schweiger, 4716 Ballygar Road, Nottingham, Md. 21236
John L. Gordon, 3607 Double Rock Lane, Baltimore, Md. 21234
Christopher Jacob, 4713 Ballygar Road, Nottingham, Md. 21236
The Scheppske's, 4711 Ballygar Road, Nottingham, Md. 21236
Mrs. Leon J. Welebob, 9012 Kilbride Road, Nottingham, Md. 21236
Mr. and Mrs. Frank J. Peroutka, 4707 Ballygar Road, Nottingham, Md. 21236
Joseph E. Lawrence, 9000 Kilbride Road, Nottingham, Md. 21236
People's Counsel; Code Enforcement Division, DPDM; File



* ORIGINALS
KEEP IN FILE 2ND SHEET ADDED FOR SIGNATURE
KEEP SHEET TOGETHER. (2)

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4719 Ballygar Rd
which is presently zoned BR3.5

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
EXISTING SHED IN A SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

Practical difficulty in back yard

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): *See addendum for sig.*

Richard J. Gittings

Name - Type or Print

Signature

Katherine A Gittings

Name - Type or Print

Signature

4719 Ballygar Rd 410-456-3098

Address

Telephone No.

Nottingham Md 21236

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 08 - 001 - A

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By VL

Date 6/28/07

REV 9/15/98

VIOL. # 07 6886

ORDER RECEIVED FOR FILING

Date 9-17-07

By DS



THIS 2ND SHEET FOR ADDITIONAL SIGNATURE.

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4719 Ballygar Rd

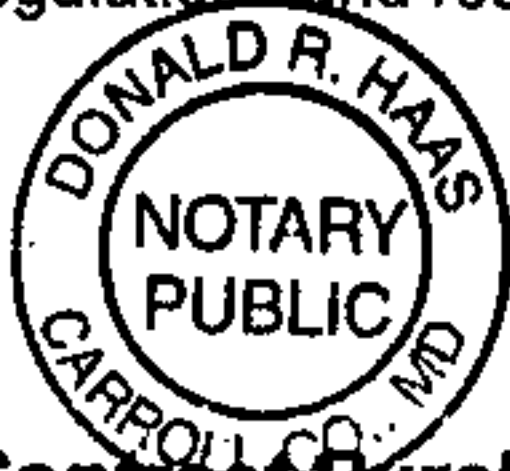
which is presently zoned _____

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)

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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.



DONALD R. HAAS
Notary Public, State of Maryland
County of Carroll
My Commission Expires May 2, 2011

Donald R. Haas Sworn to before me and subscribed in my presence
this 7th day of June 2007
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.

Addendum

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):

Deborah Macmillan

Name - Type or Print

Deborah Macmillan

Signature

Name - Type or Print

Signature

4719 Ballygar Rd *410-456-3088*
Address Telephone No.

Nottingham *MD* *21236*
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 08-001 - ORDER RECEIVED FOR FILING LENGTH OF HEARING _____

Date 9-17-07 UNAVAILABLE FOR HEARING _____
Reviewed By _____ Date _____

By [Signature]

Zoning Description

001

Zoning Description for 4719 Ballygar Road.

Beginning at a point on the South side of Ballygar Road which is 50 feet wide at the Distance of 312 ft which is East of the centerline of the nearest improved intersecting Street Kilbride road which is 60 ft wide. "Being Lot # 30, Block a, Section # one in the subdivision Silvergate Village as recorded in Baltimore County Plat Book #33, Folio # 25, containing 6675 Sq Ft.

Also known as 4719 Ballygar Road and located in the 11th Election District, 5th Councilmanic District.

**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: #08-001-A
4719 Ballygar Road,
S/side of Ballygar Road,
312 feet west of centerline
of Kilbride Road
11th Election District
5th Councilmanic District
Legal Owner(s): Richard &
Katherine Gittings &
Deborah MacMillan
Variance: to permit an ex-
isting shed in a side yard in
lieu of the required rear
yard.
Hearing: Wednesday,
September 5, 2007 at
9:00 a.m. in Room 407,
County Courts Building,
401 Bosley Avenue, Tow-
son 21204.
WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3888.
(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.
JT 8/684 Aug. 21 145986

CERTIFICATE OF PUBLICATION

8/23/2007

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 8/21/2007.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-001-A

Petitioner/Developer: _____

RICHARD GITTINGS

Date of Hearing/Closing: 9/5/07

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

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 located at _____

4719 BALLYGAR RD.

The sign(s) were posted on _____

8/21/07

(Month, Day, Year)

Sincerely,

Richard E. Hoffman 8/21/07
(Signature of Sign Poster and Date)

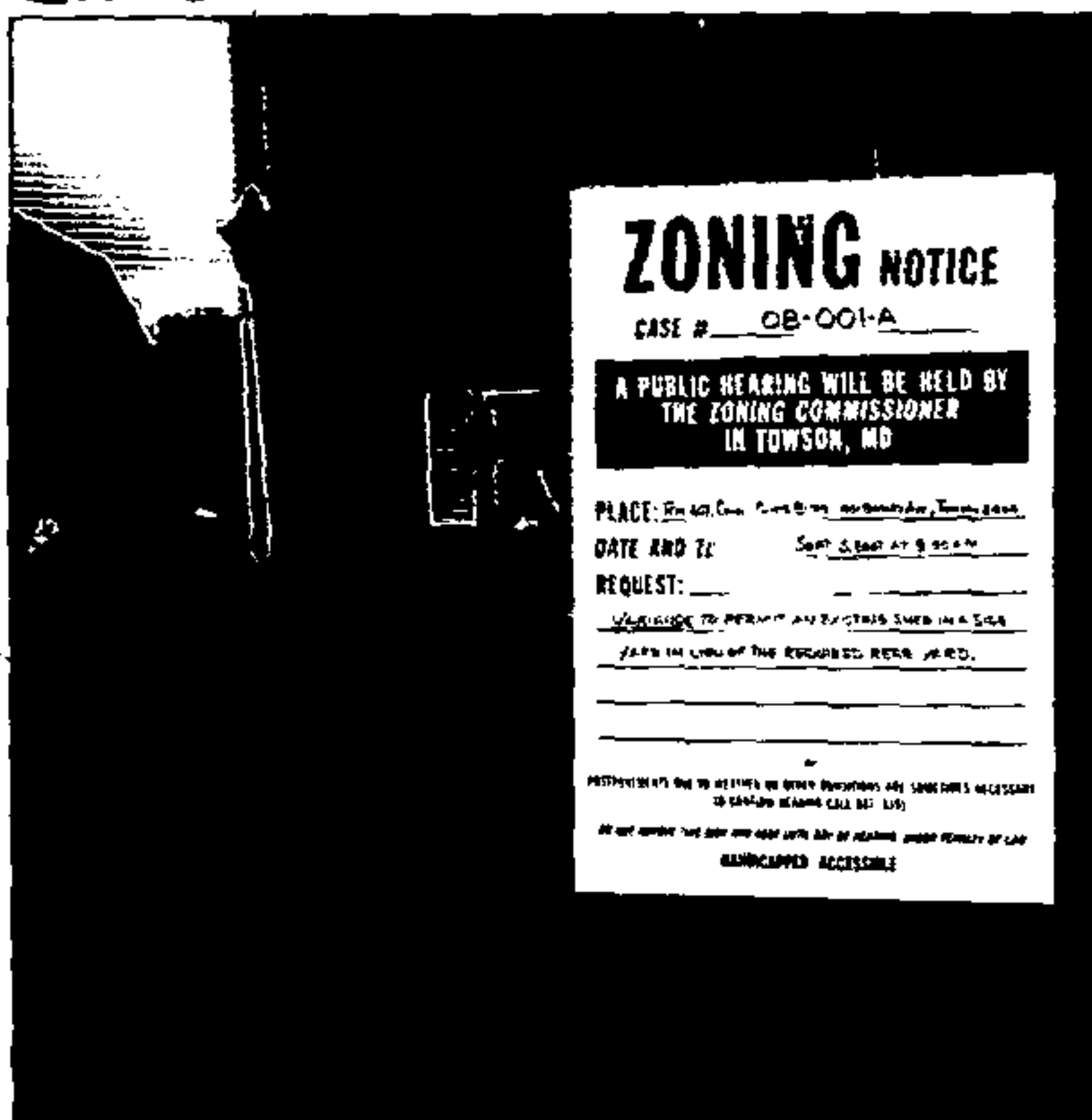
RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CASE # 08-001-A



4719 BALLYGAR RD.

POSTED 8/21/07

Richard E. Hoffman 8/21/07

CERTIFICATE OF POSTING

RE: Case No.: 08-001-A

Petitioner/Developer: _____

RICHARD GITTINGS

Date of Hearing/Closing: 9/5/07

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

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 located at _____

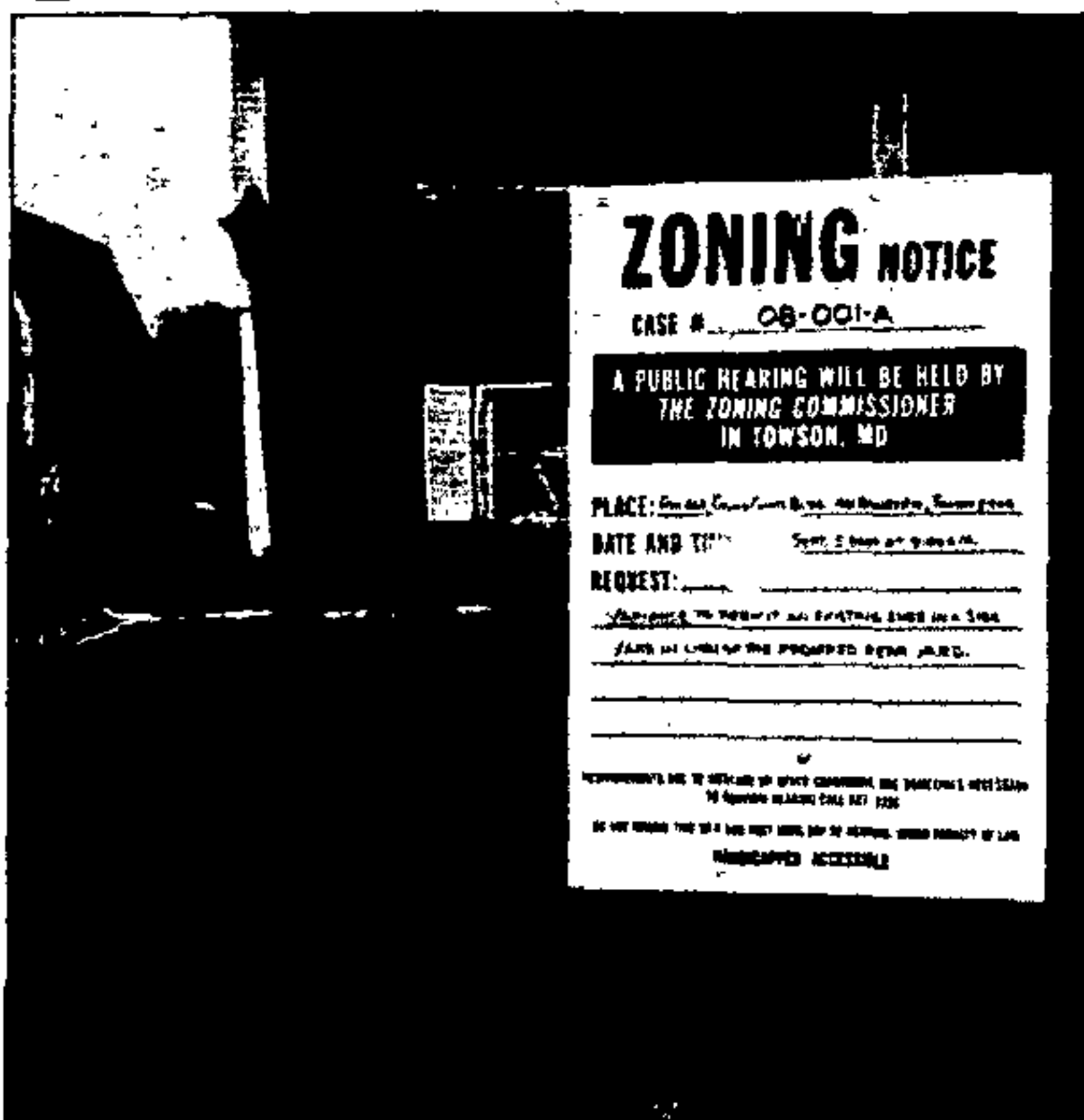
4719 BALLYGAR RD.

The sign(s) were posted on _____

8/21/07

(Month, Day, Year)

CASE # 08-001-A



4719 BALLYGAR RD.

POSTED 8/21/07

Richard E. Hoffman 8/21/07

Sincerely,

Richard E. Hoffman 8/21/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 26, 2007
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-001-A

4719 Ballygar Road

S/side of Ballygar Road, 312 feet west of centerline of Killbride Road

11th Election District – 5th Councilmanic District

Legal Owners: Richard & Katherine Gittings & Deborah MacMillan

Variance to permit an existing shed in a side yard in lieu of the required rear yard.

Hearing: Wednesday, September 5, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Gittings/MacMillan, 4719 Ballygar Road, Nottingham 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 21, 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, August 21, 2007 Issue - Jeffersonian

Please forward billing to:
Richard Gittings
4719 Ballygar Road
Baltimore, MD 21236

410-456-3098

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: 08-001-A

4719 Ballygar Road

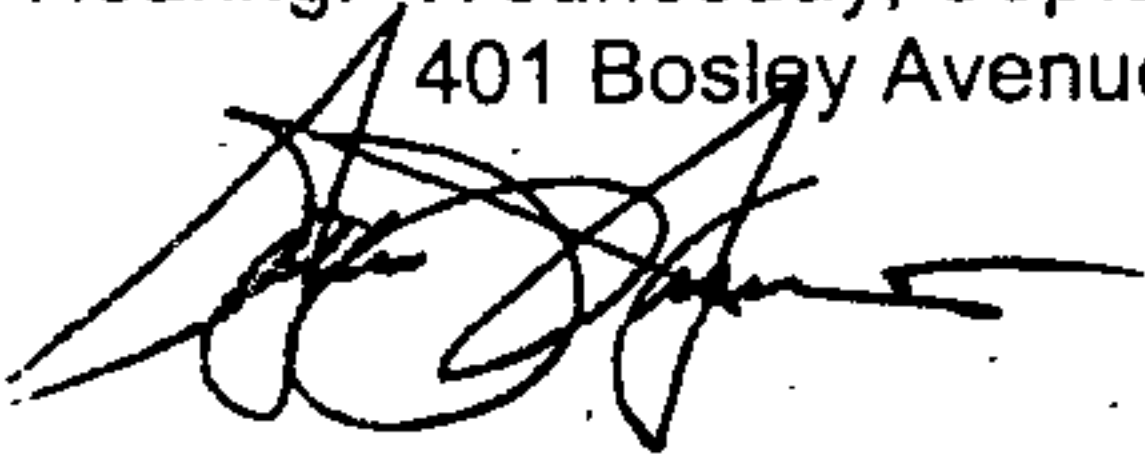
S/side of Ballygar Road, 312 feet west of centerline of Killbride Road

11th Election District – 5th Councilmanic District

Legal Owners: Richard & Katherine Gittings & Deborah MacMillan

Variance to permit an existing shed in a side yard in lieu of the required rear yard.

Hearing: Wednesday, September 5, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 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.

**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: 001

Petitioner: GATTINGS

Address or Location: 4719 BALLYGAR RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr Gattings

Address: 4719 Ballygar Rd. BALTO. 21236 MD

Telephone Number: 410 456 3098



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

August 29, 2007

Richard J. and Katherine A. Gittings
Deborah MacMillan
4719 Ballygar Road
Nottingham, MD 21236

Dear Mr. and Mrs. Gittings and Ms. MacMillan:

RE: Case Number: 08-001-A, 4719 Ballygar Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 25, 2007

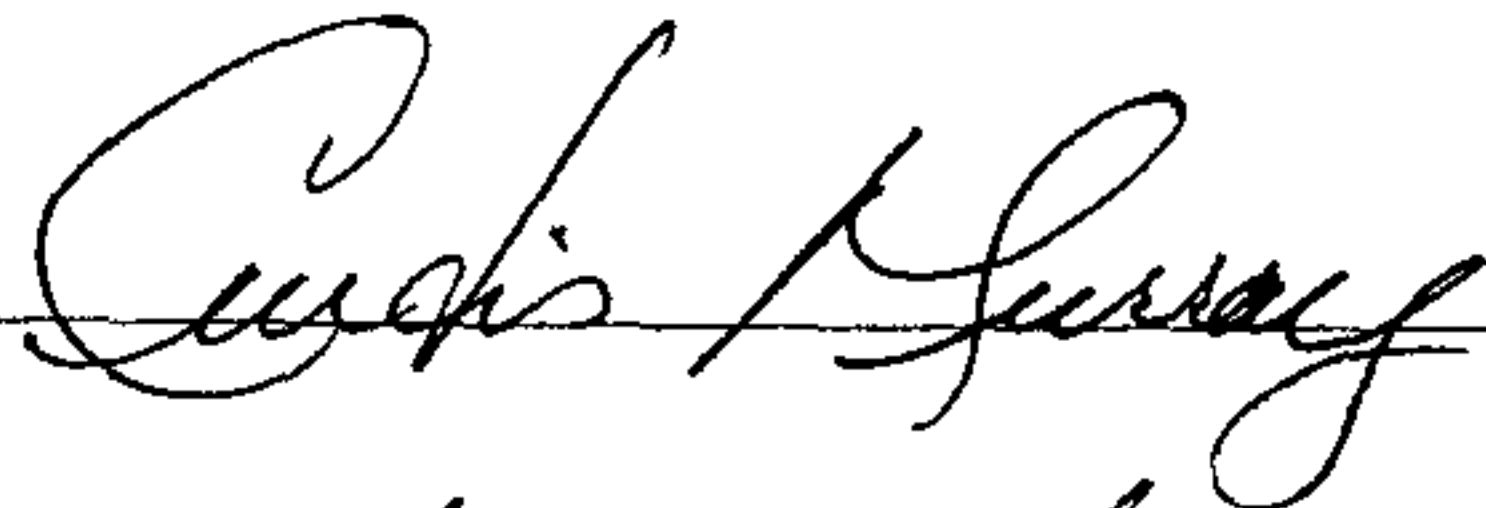
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-001

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The proposal does not have a negative impact on the adjacent properties.

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2007

FROM: Dennis A. Kennedy, Supervisor *W.D. fw*
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 20, 2007
Item Nos. 07-470, 08-001, 002, 003, 004,
005, 006, 007, 008, 009, 011, 012, 013, 014,
015, 016, 017, 018 and 019

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-07202007.doc



State Highway
Administration

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

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

Maryland Department of Transportation

Date: July 16, 2007

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

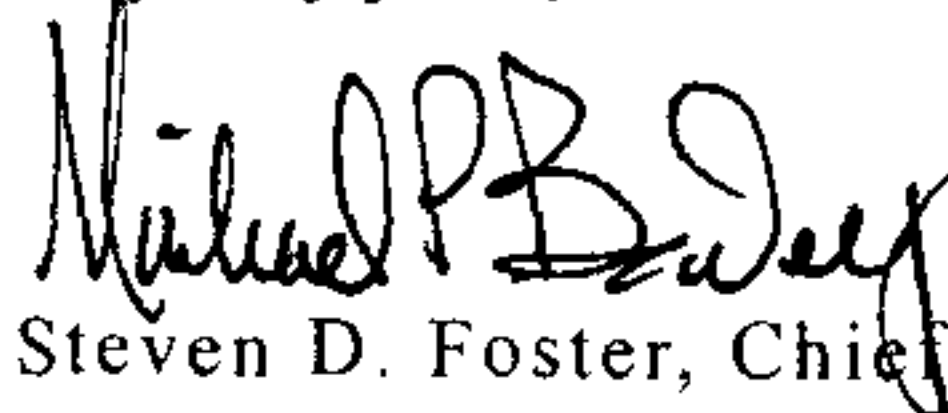
RE: Baltimore County
Item No. 08-1-A
4719 BALLYGAR ROAD
GITTINGS-MACMILLAN PROPERTY
VARIANCE

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. 08-1-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,



for ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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

Fire Department

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



Baltimore County

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

July 17, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 16, 2007

Item No.: 001, 003, 004, 007, 008, 009, 010, 011, 012, 013, 014,
016, 017, 018, 019

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

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.

Acting Lieutenant William F. Connolly Jr.
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-29
MS-1102F

cc: File

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



RE: PETITION FOR VARIANCE * BEFORE THE BOARD
4719 Ballygar Road; S/S Ballygar Rd, 312' *
W c/line Killbride Road * OF APPEALS
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Richard & Katherine * FOR
Gittings & Deborah MacMillan *
Petitioner(s) * BALTIMORE COUNTY
* 08-001-A

* * * * *

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 and all 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 26th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, Richard & Katherine Gillings, 4719 Ballygar Road, Nottingham, MD 21236, Attorney for Petitioner(s).

RECEIVED

JUL 26 2007

Per.....



PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BW
9/5
9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 25, 2007

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

RECEIVED
JUL 27 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-001

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The proposal does not have a negative impact on the adjacent properties.

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

Prepared By:

Curtis Perry

Division Chief:

Lynn Sanborn

CM/LL

Bill Wiseman - case 08-001-A

From: "Gittings, Kathy" <Kathy_Gittings@bshsi.com>
To: <wwiseman@co.ba.md.us>
Date: 09/07/07 12:10 PM
Subject: case 08-001-A

Mr.. Wiseman,

I wanted to let you know and hope this makes it easier for you.

my husband, daughter and I knew the shed would have to be moved once we received the citation and found out about the zoning issue concerning sheds. We decided to appeal for the variance so it would be in writing by the Zoning Commission.

The hearing was necessary since there was no reasoning with Ms Gordon

Thank You again

Katherine Gittings

The information in this communication is intended to be confidential to the Individual(s) :
It may contain information of a Privileged and/or Confidential nature, which is subject to
In the event that you are not the intended recipient or the agent of the intended recipient
contained within this communication, or allow it to be read, copied or utilized in any man
this communication be received in error, please notify the sender immediately either by
and permanently delete the original e-mail, attachment(s), and any copies.

BW 9/5
9AM

To: Zoning Commissioner
Fax (410) 887-3468
Phone (410) 887-4386

Reference: Case # 08 00 1A Shed Variance

From: A concerned neighbor that wishes to remain anonymous

Dear Zoning Commissioner,

I have lived in this neighborhood for 23 years and it has consistently been a community of homeowners with pride and respect for our homes and our neighbors. When we are in doubt of regulations we contact Permits, Zoning, etc so we can do the right thing and not try to circumvent the system, while remaining respectful to our community and it's appearance. If we allow new neighbors to ignore permit regulations and put sheds wherever they want, this sets a bad example and violates regulations, as well as detracts from the appearance and value of our neighborhood.

I certainly appreciate your consideration in this matter and respect your decision.

Sincerely,

A Concerned Neighbor

A concerned neighbor who wishes to remain anonymous for fear of poor neighbor relations.

Thank You

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 07-6986

4719 Ballygar Road

ZONING CASE: 08-1-A
4719 BALLYGAR ROAD

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

DATE: July 30, 2007

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Hearing Officer
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 001
Legal Owner/Petitioner: Richard J. Gittings, Katherine A. Gittings and Deborah MacMillian
Contract Purchaser:
Property Address: 4719 Ballygar Road
Location Description: South side Ballygar Road, 312 feet west of centerline of Killbride Road

VIOLATION INFORMATION: Case No.: 07-6986
Defendants: Richard J. Gittings, Katherine A. Gittings and Deborah MacMillian

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

Joe Lawrence
9000 Kilbride Road
Baltimore, MD 21236

256 1316

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form
State Tax Assessment printout
Correction Notice/Code Violation Notice
Photograph

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Derek Propalis

CODE ENFORCEMENT REPORT

DATE: 5/31/07 INTAKE BY: mk CASE #: 07-6986 INSPEC: _____

COMPLAINT LOCATION: 4719 Ballougar Rd

ZIP CODE: 21236 DIST: 11

COMPLAINANT NAME: Joe Lawrence PHONE #: (H) 410.286.1316 (W) _____

ADDRESS: 9000 Kilbride Rd ZIP CODE: 21236

PROBLEM: shed towards front of property, on property line

IS THIS A RENTAL UNIT? YES _____ NO _____
 IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: 11 19 040912 ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

DATE: 05/31/2007

STANDARD ASSESSMENT INQUIRY (1)

TIME: 10:11:48

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
11 19 040912	11	3-1	04-00	H	NO		04/25/07
GITTINGS RICHARD/KATHERINE				DESC-1.. IMPS			
MACMILLAN DEBORAH				DESC-2.. SILVERGATE VILLAGE			
4719 BALLYGAR RD				PREMISE. 04719 BALLYGAR		RD	

00000-0000

BALTIMORE

MD 21236-1904 FORMER OWNER: BOGDAN BERNADINE J

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	36,670	89,170		FCV	ASSESS	ASSESS
IMPV:	117,890	190,620	TOTAL..	238,046	238,046	196,303
TOTL:	154,560	279,790	PREF...	0	0	0
PREF:	0	0	CURT...	238,046	238,046	196,303
CURT:	154,560	279,790	EXEMPT.		0	0
DATE:	10/02	09/05				

---- TAXABLE BASIS ---- FM DATE

00/01 ASSESS:	238,046	04/23/07
ASSESS:	196,303	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 07-6986	PROPERTY TAX ID 119040912	DATE ISSUED 6/1/07
NAME(S) Richard E. Hings, Katherine E. Hings Deborah Macmillan		
MAILING ADDRESS 4719 Ballygar Rd		
CITY Baltimore	STATE MD	ZIP CODE 21236
VIOLATION ADDRESS Same		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION: ☒ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16 ☐ BL (230) ☐ BR (236) ☐ BM (233)

☐ RC2 (1A01) ☐ RC4 (1A03) ☐ RC20 & 50 (1A05) ☐ RC6 (1A07) ☐ MR (240) ☐ MH (253) ☐ MH (256)

☐ RC3 (1A02) ☐ RC5 (1A04) ☐ RCC (1A06) ☐ RC7 (1A08)

☐ OTHER: ☐ OTHER:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-1145

- | | |
|---|--|
| ☒ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☒ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation/ obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM: |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 13-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird/ seed/ other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ 13-7-115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/ tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extensions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof / foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair / remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS: BCZR 400

Remove shed/ move to rear yard/ file
for public hearing

NOTICE POSTED AND MAILED

POTENTIAL FINE: ☐ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: 7.4.07 INSPECTOR NAME: Propolis

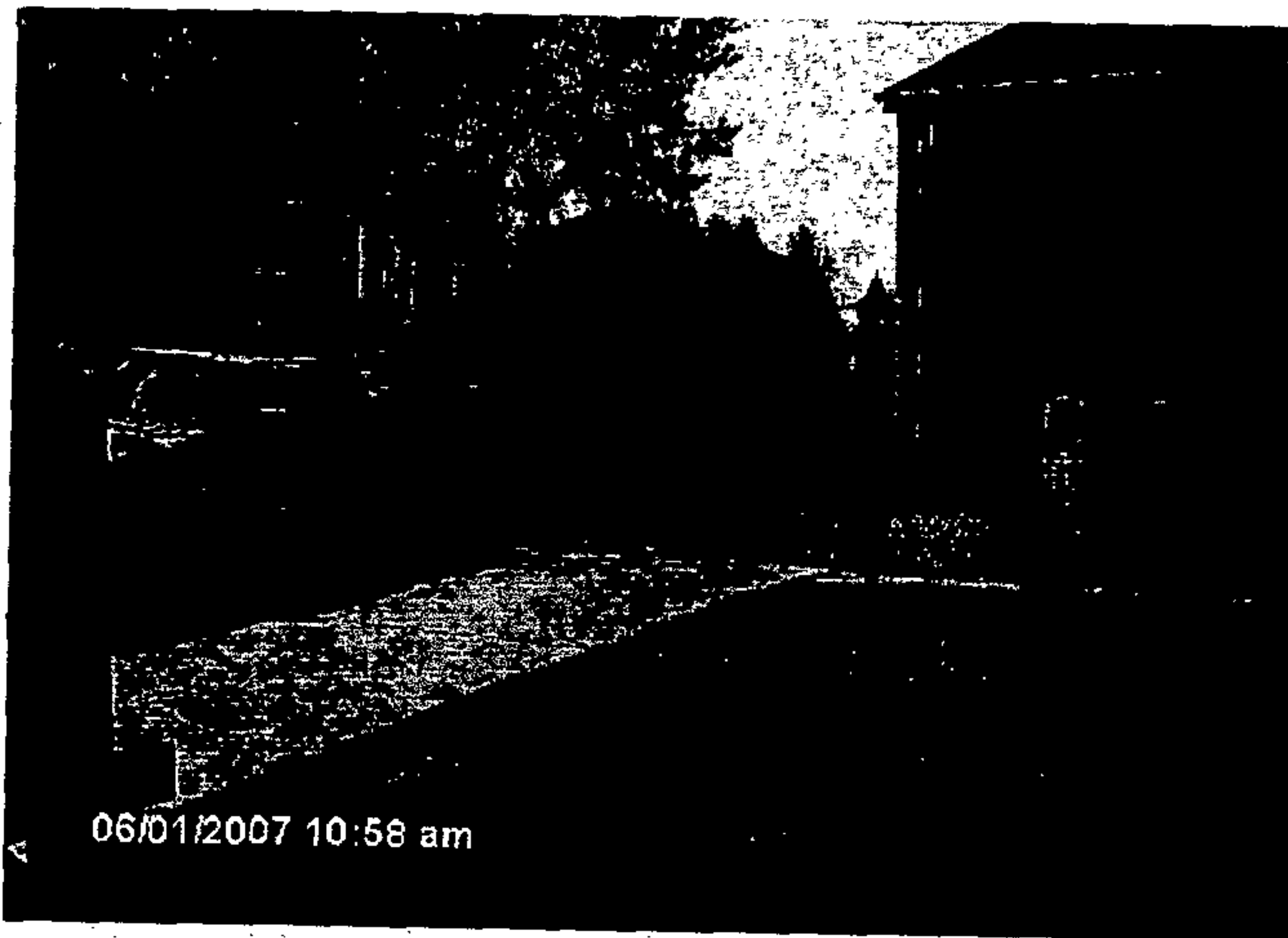
PRINT NAME (Rev 9/05)

AGENCY

PHOTOGRAPHIC RECORD

Citation/Case No.: 67-6986 4719 Ballygar

Date of Photographs: 6/1/07



I HEREBY CERTIFY that I took the 1 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

Dee H. Proakis
Enforcement Officer

9000 Kilbride Road
Baltimore MD 21236
July 3, 2007

To Whom It May Concern:

When I received a message on my answering machine regarding a follow up to a complaint that I made regarding the construction of a shed on a property on Ballygar Road in Perry Hall, I was completely astonished.

I followed up by first going to the residence to let the owners know that I knew nothing about their shed or any complaint filed. Additionally, my wife called the inspector's office immediately to inform him that it was not I who placed such a complaint.

As the property in question is a block or two away from me, I would have no interest in what the owner does with his home.

It is disturbing that someone would call in a complaint and give a false name and address and not have the character to identify himself.

Best regards,

Joseph E Lawrence
Joseph E. Lawrence

3 July 07

PETITIONER'S

EXHIBIT NO. 4

DATE 9/5/07

E-MAIL

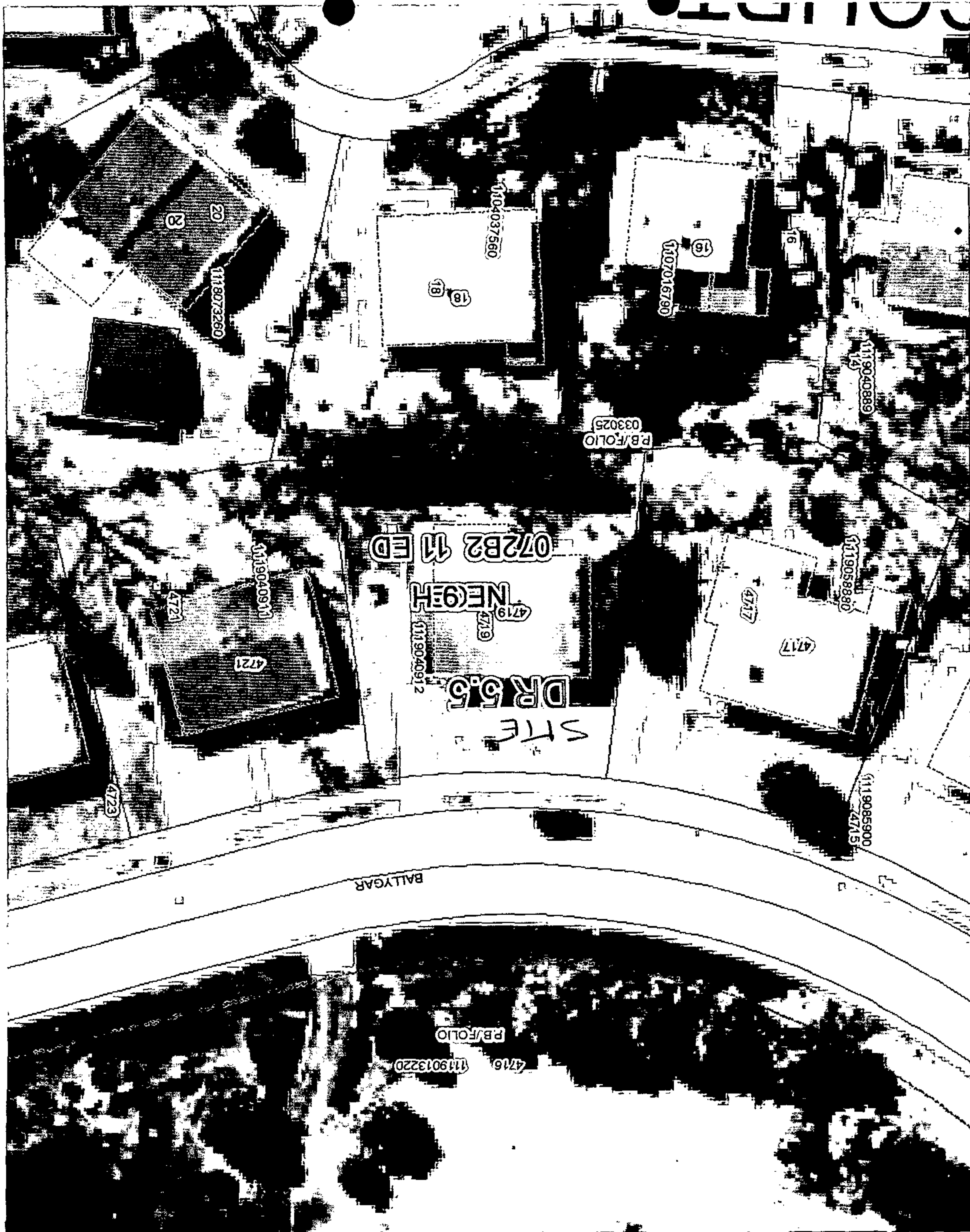
RGTSO Perast. Det

DATE 9/5/07

E-MAIL

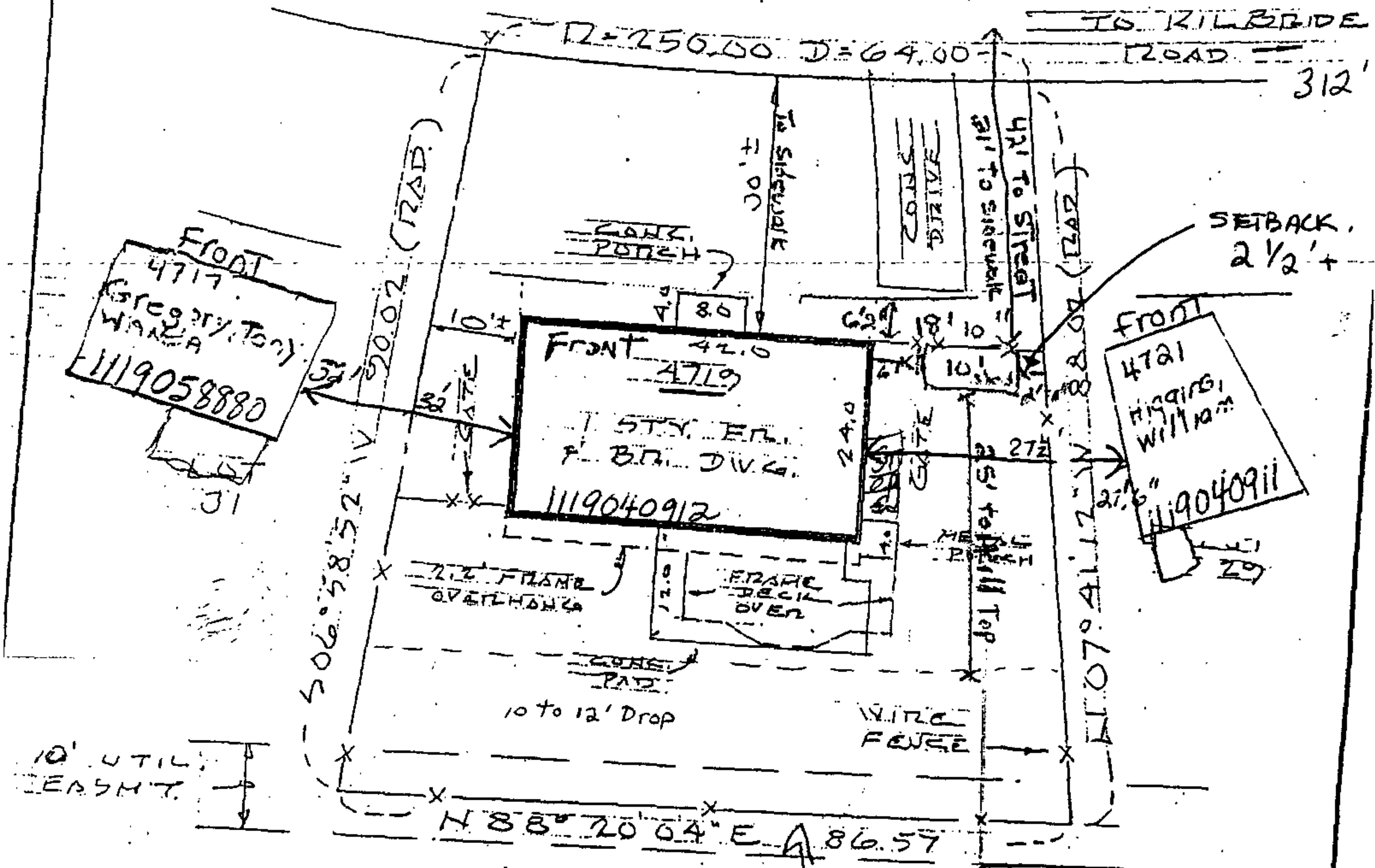
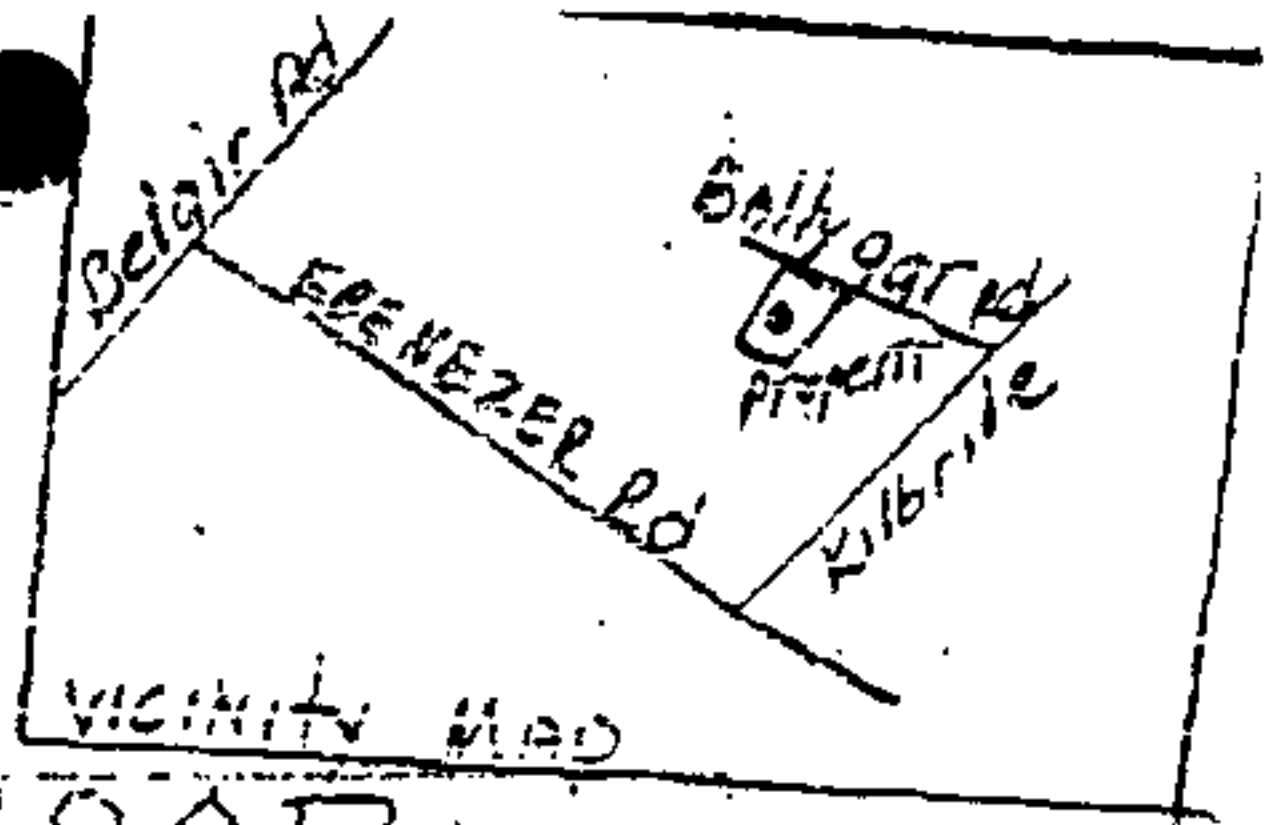
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Lucan Lane Jordan	4718 Ballygan Rd.	Balto. MD 21236	
Charles Schmeiger	4716 Ballygan Rd.	Balto. Md. 21236	
John L. Jordan	3607 Double Rock Ln	BALTIMORE MD 21234	

08-001-A



House to Shed 4' front
 Shed to fence 2' front
 Shed to Street 42'
 Shed to sidewalk 31'
 Shed to driveway 6' 2"
 Shed to Neighbors 11' 6" (1st)

BALLYGAR ROAD
 (50 FT. WIDE)



This property is not located in a HUD Identified Special Flood Hazard Area. Flood Hazard Map Interpretation though believed accurate is not guaranteed.

PUBLIC WATER + SEWER
 NOT IN CBCA
 NOT IN FLOOD HAZARD
 NOT HISTORIC

VARIANCE PLAN
 FOR
 4719 BALLYGAR RD.

LOT SEASEMENT
 SCALE 1" = 20'
 (NEIGHBORS DWLG. LOC. NTS. USE DIMENSIONS)

LOT 30, BLOCK A, PLAT OF SECTION ONE, SILVERGATE VILLAGE, PLAT BOOK 6, T.C. No. 33, FOLIO 25

Election District: 11
 Councilman District: 5
 Zoning District: S.5
 Lot size 6675 sq ft
 Location Information

08-001-A

PETITIONER'S

EXHIBIT NO. 1

FILE

Case No.:

08-001-A

4719 BALLYGARR RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Letter from Jacobs's 1-A 1-B - Photo
No. 2	Photo's of Existing Conditions - Petitioner's property (A to K)	Letter from Schepke's 1-A 1-B - Photo
No. 3	Photo's of other sheds in side yard A to S	Sheds in rear yard Photos - A thru K
No. 4	Mr. Lawrence - Not the Complainant of Record	Petitioner's shed - in front yard parking on grass
No. 5		Letter from Wileboro
No. 6		Letter from Peroutka
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

September 3, 2007

CASE NUBER 08-001-A

Dear Zoning Commissioner of Baltimore County:

I would like to make public that I am against the "Petition of Variance" for 4719 Ballygar Road, Nottingham MD, 21236.

The reasons why I am against the variance are:

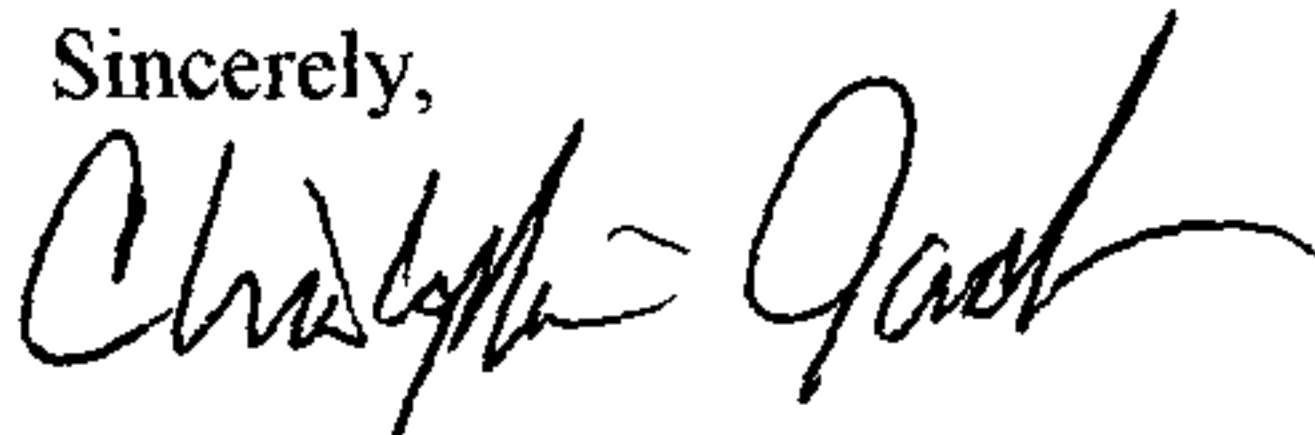
-All sheds in the area immediate area (400 plus) fully comply with Baltimore County Code that they are set even to or behind the rear foundation wall.

-Homes that have sloped backyards or that are situated on lots that are difficult to place sheds have altered their landscape to accept the desired shed. Retaining walls of timbers and/or interlocking blocks are common to the area due to the varied terrain.

-There will be a precedent set in the area if this variance is approved. As stated, there is currently not a "barn style" shed in the area that is in violation of placement guidelines of the Baltimore County Code. The community is concerned that if this variance is granted it will set a precedent and additional variances will be requested resulting in a negative effect in home values.

Thank you for taking the above into consideration. Please feel free to contact me if needed.

Sincerely,



Christopher Jacob

4713 Ballygar Round

Nottingham, MD 21236

410-256-2434 Home

410-847-6811 Work

x 
Michele Scheppske

WITNESS

PROTESTANT'S

EXHIBIT NO. 1



September 4, 2007

Case # 08-001-A. MS.

To Whom It May Concern:

It was brought to our attention that a hearing was being held today in regards to the shed structure in front of 4719 Ballygar Road. Our concern is that it is the kind of eyesore that takes away from the property value in our community. Also, with the placement of this structure it has created what they consider to be a parking place, in the grass and in the driveway. Again, not a very appealing appearance in the neighborhood to find vehicles parked in the front yard. We believe that allowing this shed to stay in its current placement will possibly set precedence in our neighborhood and will eventually make our property value drop. Our only hope is that it would be your recommendation for the shed to be moved to the back yard where it could have certainly been placed regardless of the drop off to the other side of the property.

As we realize, that there is not a home owner's association, we do believe that there is a sort of understanding of all the fellow residents the importance of maintaining your property to hold its value and not letting it become an undesirable area. Your attention to this matter would be greatly appreciated.

Concerned residents.

The Scheppske's
Ballygar Road
Baltimore, Maryland 21236

Michael Scheppske

410-887-5257

PROTESTANT'S

EXHIBIT NO.

2

(4711)





PROTESTANT'S

EXHIBIT NO. 4

Case No: 07-6986

Address: 04719 BALLYGAR RD 21236
Insp Area: 011 Dist: 000 Date Rcv: 5/31/2007 Grp: ENF Intk: MK
Inspec: PROPALIS Inspec2: _____ Date Inspec: 9/23/2007
Close: 0/00/0000 Activity: _____ Delete: _____

Problem: SHED TOWARDS FRONT OF PROPERTY, ON PROPERTY LINE

MAP 29-E

7

CL Name: LAWRENCE JOE
CL Address: 09000 KILBRIDE RD 21236
CL Home Phone: 410-256-1316 CL Work Phone: _____ Tax Acct. 1119040912

Owner: RICHARD/KATHERINE GITTINGS AND DEBORAH MACMILLAN

Enter=Continue F12=Cancel

*corner of Kilbride +
Ballygar*

*To whom may concern,
due to the shed problem
I feel it should be
removed to the back of
the yard. If it continues
in this location it will
devalue the property in
this neighborhood.*

Mrs. Des J. Welebob

Leon J. Wilk Bob
9012 Kilbride Rd.

PROTESTANT'S

EXHIBIT NO.

5

9/04/07

To Whom it may concern:

I am writing in reference to the shed on the front lawn of 4719 Ballygar Rd. As far as my husband & I are concerned, it is an eye sore & lowers the appearance of our neighborhood. It also lowers the value of our properties. We think that the owner should be required to remove it & put it in the back yard where it should be. We have lived in our home since 1969 & would like our neighborhood to look like it should.

Sincerely,
Mr. & Mrs. Frank J. Peroutka

410-256-4186

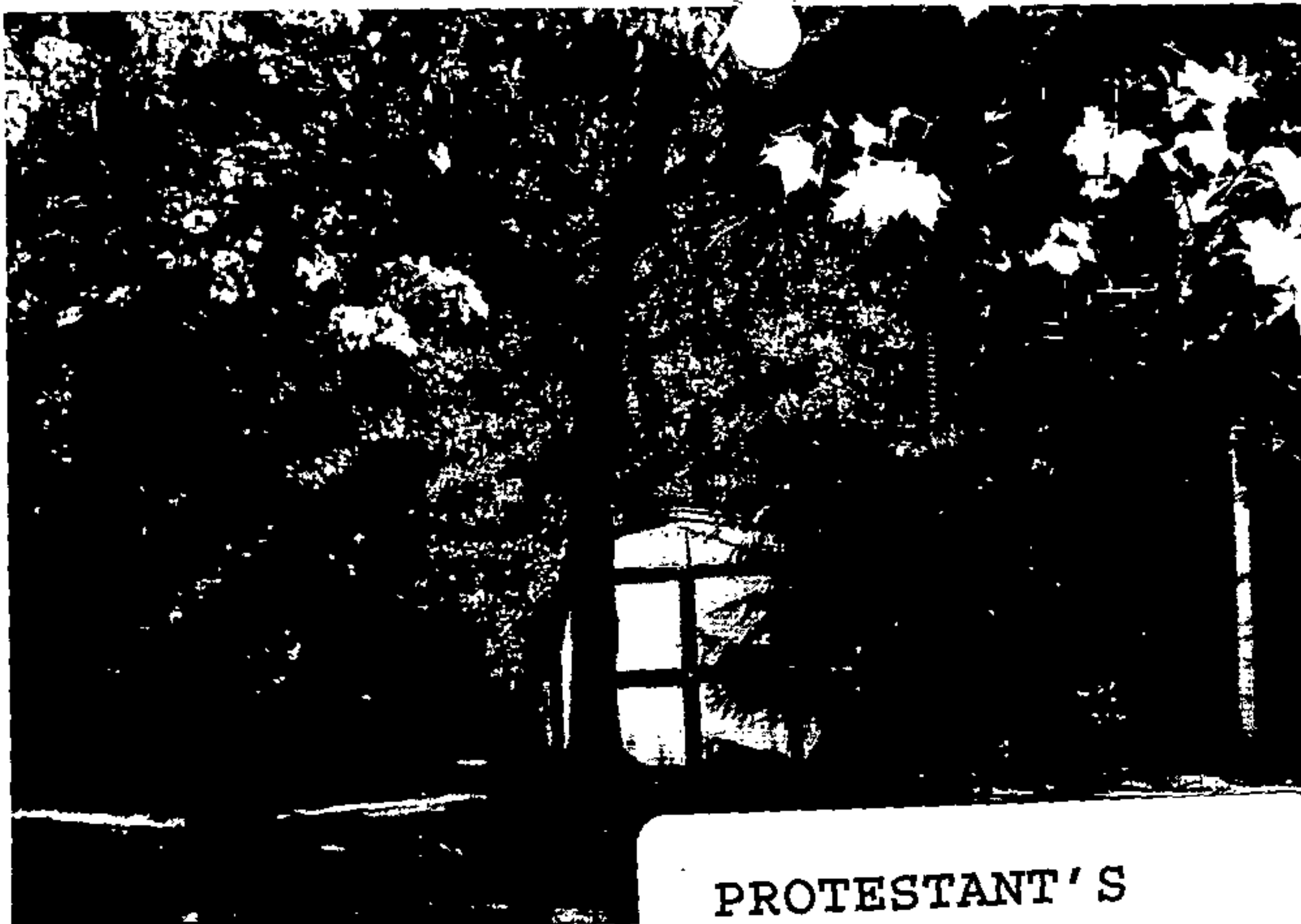
4707

PROTESTANT'S

EXHIBIT NO.

6





PROTESTANT'S

EXHIBIT NO.

3

Arthur K







