IN RE: PETITION FOR ADMIN. VARIANCE N side of Riverside Drive, 25 feet E of the c/l of Margaret Avenue 15th Election District 7th Councilmanic District **(523 Riverside Drive)** Christopher R. Snyder *Petitioner*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-119-A**

* * * * * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Christopher R. Snyder. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (proposed detached garage/storage building) to be located within the third of the lot closest from the street in lieu of the third of the lot farthest from the street. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit No. 1.

On October 4, 2007, the undersigned called for a public hearing on this matter based on a letter of opposition received from Ms. Tara Riggen and a Memorandum in the file from Aaron Tsiu, Planner II. The hearing was subsequently scheduled for Tuesday, November 27, 2007 at 9:00 AM in Room 407 of the County Courts Building located at 401 Bosley Avenue in Towson, Maryland.

Appearing at the public hearing in support of the requested relief was Petitioner Christopher Snyder. There were no Protestants or other interested persons in attendance at the hearing.

ORDER RECEIVED FOR FILING
Date 12-17-07
By PB

I note at the outset that the file contains a Memorandum from Aaron Tsui, Planner II, with the Department of Permits and Development Management, dated September 5, 2007, which explains that Petitioner submitted a building permit application for a detached carport on the rear of the property. However, the original building permit #B668942 issued on June 29, 2007 was issued by mistake. The concrete footer of the building was done and passed the building inspection. Petitioner then decided to build a detached garage/storage building instead, and ordered and placed the building on the same location as approved by the building permit. Petitioner was advised by the building inspector to revise the building permit to reflect what was actually built on the property. It was then discovered that the accessory building was built within the third of the lot closest from the street per the previously approved building permit #B668942. Mr. Tsui indicated the petition for administrative variance will clear what has been approved by building permit #B668942 and will seek relief from Section 400.1 of the B.C.Z.R. for the proposed accessory building to be located in the third of the lot closest from the street in lieu of the third of the lot farthest from the street as required.

Testimony and evidence offered by Petitioner revealed that the subject property contains 9,150 square feet, zoned D.R.5.5, and is located in the Essex area of Baltimore County. The property is rectangular-shaped with a slight taper toward the rear of the property. The lot measures approximately 70 feet wide at the front and 60 feet wide at the rear, and is 150 feet long. The property fronts Riverside Drive with Margaret Avenue running the length of the property along the east side. It is improved with Petitioner's existing two-story single-family framed dwelling with exterior siding that is light blue in color. It is also improved with the existing garage accessory structure measuring 24 feet by 31 feet in size and located to the rear of the property. The garage is placed on a concrete slab and appears to be a prefabricated two-car

carport that has been enclosed with siding that is medium blue in color with white trim. It also has two white overhead accordion-style doors for access. Photographs of the garage were marked and accepted into evidence as Petitioner's Exhibits 2A through 2F. Next to the garage is also a barn-style shed. Surrounding the property is an approximately three foot high chain link-style fence.

Petitioner indicates that he erected the garage at the rear edge of his property for storage of household and lawn items and a boat. In his petition, in addressing the hardship or practical difficulty, Petitioner indicates that the proposed carport/storage accessory structure was issued pursuant to a building permit, and that an amended permit was requested for the enclosed accessory building and passed footer inspections. Petitioner also noted that the property location is on a corner lot.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Office of Planning dated September 20, 2007 does not oppose Petitioner's request. It states that the proposed accessory structure is in the rear of the property, but due to the lot being a corner lot, appears to be partially in the side yard. However, the Planning Office also notes an existing trend of detached rear yard structures throughout the neighborhood. The comment further recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes. It also recommends that the accessory structure be similar in architectural style as that of the existing home.

Received in opposition to the requested variance relief was a letter dated September 26, 2007 from Ms. Tara Riggen of 435 Margaret Avenue. Ms. Riggen's property is located just north of Petitioner's property on the other side of Margaret Avenue. This letter was marked and accepted into evidence as Protestant's Exhibit 1. In her letter, Ms. Riggen indicates that she has

lived in her home since 1963. She states that she believes the building placed on the subject property is a "disgrace to the aesthetic value of the neighborhood. It is an industrial looking type building, all metal, that is an absolute eyesore." She also calls the structure an "albatross" to the neighborhood.

Turning now to the instant matter, I can certainly appreciate Petitioner's desire to enhance the storage capabilities of his property. With a family and household items and equipment, storage space is often at a premium. However, I must decide this case based on the merits of whether a variance is warranted in this particular case. That is, has Petitioner satisfied the variance requirements of the B.C.Z.R. and the relevant case law to be granted relief from the requirements of Section 400.1 of the B.C.Z.R.?

Variance relief can be granted only if the requirements contained in Section 307 of the B.C.Z.R. are met. This section states that the Zoning Commissioner may grant variances:

> ... 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 of Baltimore County would result in practical difficulty or unreasonable hardship.

Variances are not favored under the law and presumed to be in conflict with the regulations. As stated in *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995), "[t]he general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances."

Considering all the testimony and evidence presented, I do not find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Other than the fact that the property is situated on a corner lot, there was no evidence submitted to show that the property is unique. In fact, Petitioner's Exhibit 1 site plan shows that the lots are very similar in size and shape and otherwise unremarkable. As such, it does not meet the requirements for a finding of uniqueness as set forth in *Cromwell, supra*. Moreover, I cannot

decide this case based on possible "extenuating circumstances" or that Petitioner may have been well intentioned when he erected the subject structure. Having determined that no uniqueness exists as to Petitioners' property, I must therefore deny the variance requested by Petitioner.

In addition, I also note that Petitioner's Exhibit 2A through 2F photographs of the structure show that it is not in keeping aesthetically with the neighborhood. In my view, while perhaps not rising to as strong a level as the characterization used by Ms. Riggen, I very much agree with her premise that the industrial look of the structure makes it somewhat of an eyesore to the surrounding neighborhood. While Ms. Riggen is the only person in the area to lodge an opposition, notwithstanding her input, even if no nearby residents were opposed to the structure, I would still be unable to grant the variance relief in any event. I further find that any practical difficulty or unreasonable hardship is largely self-induced due to the confusion over Petitioner originally requesting a permit for a carport and then erecting an enclosed accessory structure.

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 shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 17th day of December, 2007 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations to permit an accessory building (proposed detached garage/storage building) to be located within the third of the lot closest from the street in lieu of the third of the lot farthest from the street be and the same is hereby DENIED.

IT IS FURTHER ORDERED that Petitioner shall at his own cost and/or expense disassemble and remove the subject accessory building (proposed detached garage/storage building) within 120 days of the date of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
Date 12.17.07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 17, 2007

CHRISTOPHER R. SNYDER
523 RIVERSIDE DRIVE
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 08-119-A
Property: 523 Riverside Drive

Dear Mr. Snyder:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 16, 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: 08-119-A
523 Riverside Drive
N/side of Riverside Drive, 25 feet east of the centerline of Margaret Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Christopher Snyder

Variance to permit an accessory building (proposed detached garage/storage building) to be located within the third of the lot closest from the street in lieu of the third of the lot farthest from the street.

Hearing: Tuesday, November 27, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Christopher Snyder, 523 Riverside Drive, Baltimore 21221
Tara Riggen, 435 Margaret Avenue, Baltimore 21221

NOTES: (1) A ZONING NOTICE SIGN WILL BE POSTED ON MONDAY, NOVEMBER 12, 2007 BY AN APPROVED POSTER ON THE PROPERTY.
(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.

TAX ACCOUNT # 1502652130

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 523 RIVERSIDE DR.

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) BCZR 400.1

TO PERMIT AN ACCESSORY BUILDING (PROPOSED DETACHED GARAGE/STORAGE BUILDING) TO BE LOCATED WITHIN THE THIRD OF THE LOT CLOSEST FROM THE STREET IN LIEU OF THIRD OF THE LOT FARTHEST FROM THE STREET

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):

Christopher R. Snyder

Name - Type or Print

Christopher R. Snyder

Signature

Name - Type or Print

Signature

523 Riverside Dr. 443 969 4530

Address — Telephone No.

Balto MD. 21221

City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No.

City — State — Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO. 08-119-A **Reviewed By** A. Tsui **Date** 9/5/07

REV 10/25/01

RECEIVED FOR FILING **Estimated Posting Date** 09/16/07 — 10/01/07

12.17.07

pm

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 523 RIVERSIDE DR.
Address
BALTIMORE MD 21221
City State Zip Code

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

The attached accessory building (proposed carport / storage) was issued per building permit B668942 in the middle rear of yard. An amended building permit is requested for an enclosed accessory building (proposed garage / storage). Accessory building ~~[illegible]~~ was delivered following the passing of the rodent inspection. A variance is required by zoning office for it's present location as the property is in a corner lot.

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

Signature

Signature

Timothy S Snyder Sr
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Timothy S. Snyder Sr. (only) the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Debra E. Stevens
Notary Public

My Commission Expires 8-1-11

REV 10/25/01

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-119 -A Address 523 RIVERSIDE DR. 21221

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 09/05/07 **Posting Date:** 09/16/07 **Closing Date:** 10/01/07

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 08-119 -A Address 523 RIVERSIDE DR.

Petitioner's Name CHRISTOPHER SNYDER Telephone 443-969-4530

Posting Date: _____ **Closing Date:** 10/1/07

Wording for Sign: To Permit AN ACCESSORY BUILDING TO BE ~~LOCATED~~ LOCATED WITHIN THE THIRD OF THE LOT CLOSEST FROM THE STREET IN LIEU OF THE THIRD OF THE LOT FARTHEST REMOVED FROM THE STREET

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

Zoning Description

ZONING DESCRIPTION FOR - *523 Riverside Dr.*

Beginning at a point on the **NORTH** side of **RIVERSIDE DR**. (property fronts) which is **50 FT**. (# of right -of-way width) wide at the distance of **25 FT**. **EAST** of the centerline of the nearest improved intersecting street **MARGARET AVE**. which is **50 FT**. wide. * Being lot #**23** Block **2N**, Section # **E** in the subdivision of **ESSEX** as recorded in Baltimore County Plat Book **#0**, Foilo **#74** containing **9150** Square Feet. Also known as **523 RIVERSIDE DR**. (property address) and located in the **15** Election District, **7** Councilmanic District.

08-119-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 05335

Date: 9/5/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65 —

Total: $65 —

Rec From: CHRIS. SNYDER

For: 523 RIVERSIDE DR.

ADM VAR - 08-119-A 21251

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

CASHIER'S VALIDATION

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: #08-119-A
523 Riverside Drive
N/side of Riverside Drive, 25 feet east of the centerline of Margaret Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s): Christopher Snyder

Variance: to permit an accessory building (proposed detached garage/storage building) to be located within the third of the lot closest from the street in lieu of the third of the lot farthest form the street.

Hearing: Tuesday, November 27, 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 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/11/654 Nov. 13 155112

CERTIFICATE OF PUBLICATION

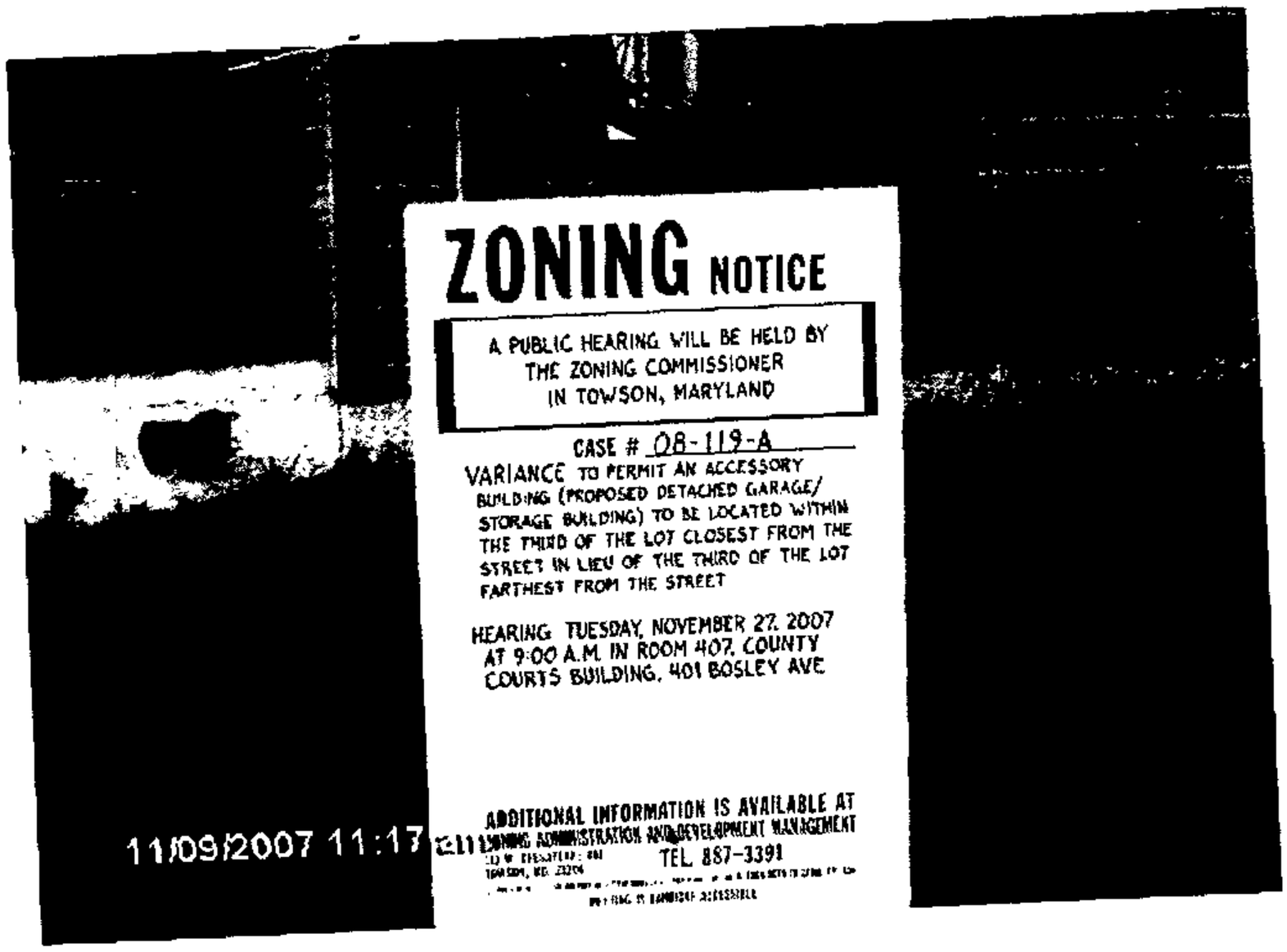
11/15/, 2007

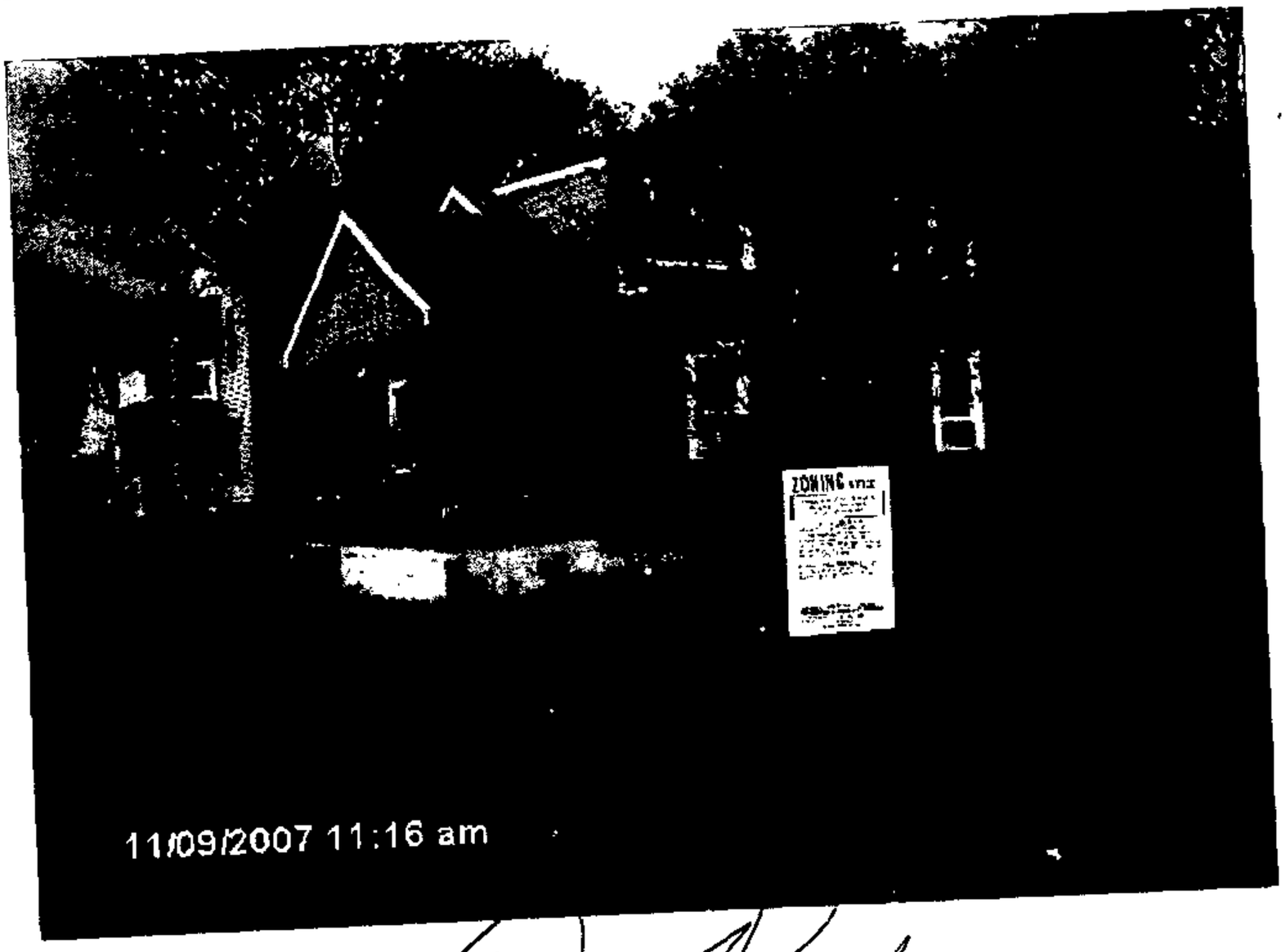
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/13/, 2007.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

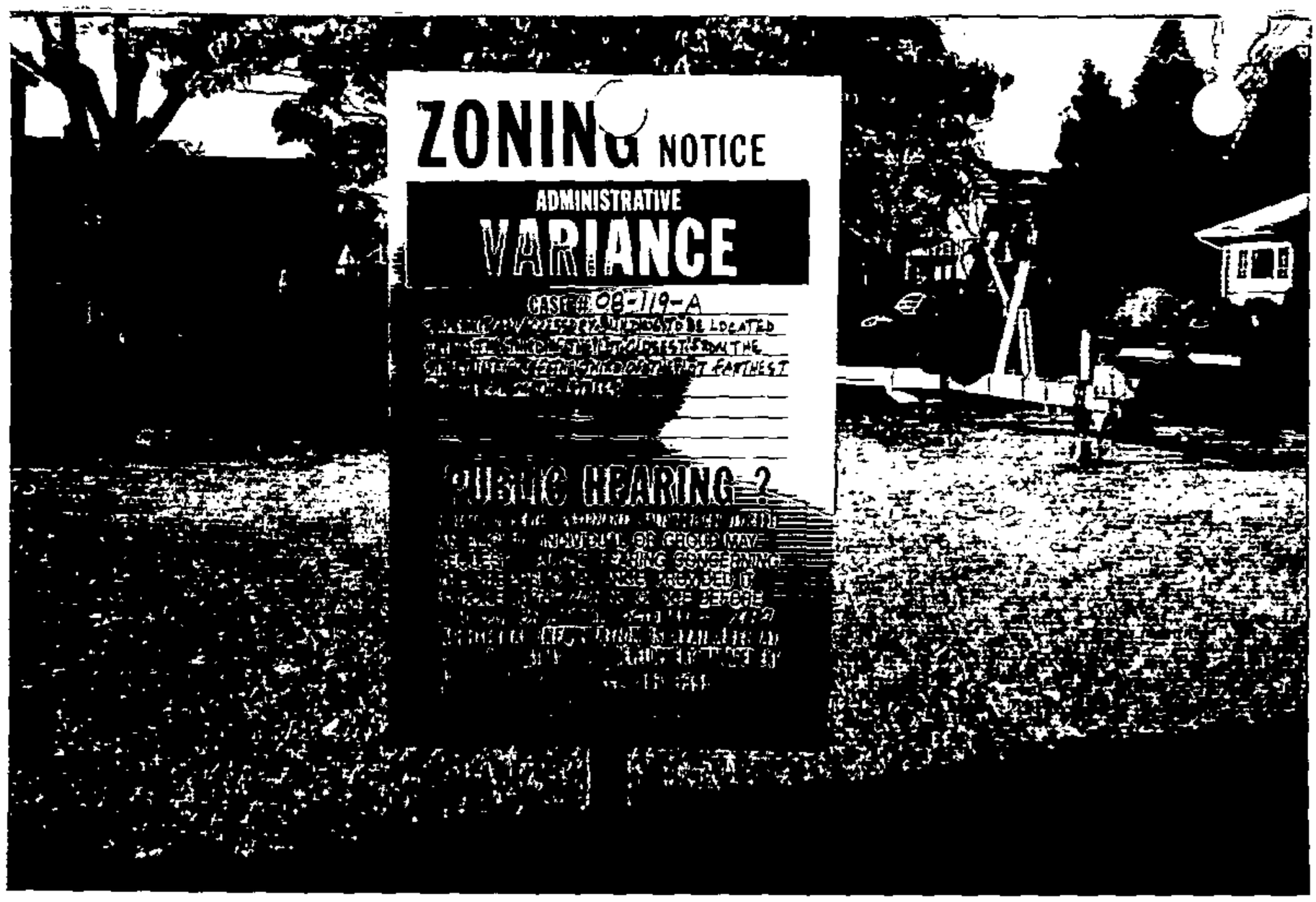
S. Wilkinson

LEGAL ADVERTISING





posted / Derek Propalis
DEREK PROPALIS


ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE # 08-119-A
PUBLIC HEARING ?

CERTIFICATE OF POSTING

RE: Case No: 08-119-A

Petitioner/Developer:
CHRISTOPHER SNYDER

Date Of Hearing/Closing: 10/1/07

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 523 RIVERSIDE DR

This sign(s) were posted on September 15, 2007.
(Month, Day, Year)

Sincerely,
9/15/07
(Signature of sign Poster and Date)
Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 1, 2007

Christopher R. Snyder
523 Riverside Drive
Baltimore, MD 21221

Dear Mr. Snyder:

RE: Case Number: 08-119-A, 523 Riverside Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 5, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 17, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2007
Item Nos. 08-069, 082, 105, 106, 107, 108, 109, 111, 113, 114, 115, 117, 118, 119, 120, 122 and 123

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- 09172007.doc

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

SHA
State Highway Administration
Maryland Department of Transportation

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

Date: SEPT. 10, 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. 8-119-A
523 RIVERSIDE DRIVE
SNYDER 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. 8-119-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,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

MEMO

From: Aaron Tsui, Planner II September 5, 2007

To: Zoning Commissioner/File

Re: Variance Case no. 08-119-A
Adm. Var. for a Detached Garage/Storage Location
523 Riverside Dr. 15th Election District

The Petitioner submitted a building permit application revising from a detached carport to a detached garage/storage building in the rear yard. The property is in a corner lot and that the original building permit # **B668942 was issued by mistake** (copy attached) as follows:

1. A building permit no. B668942 issued on 6/29/2007 for a detached carport **did** indicate that the proposed accessory building was located in the **middle of the rear yard**. The concrete footer of the accessory building was done and passed the building inspection.

2. The home owner decided to put a detached garage/storage accessory building instead and indeed ordered and placed the building on the same location as approved by the building permit. The owner was advised by the building inspector to revise the building permit to reflect what was built on the property. It was then discovered by this office that the accessory building is built within the third of the lot closest from the street per the approved building permit.

This Administrative Variance will: 1) clear what's been approved by building permit# B668942, and 2) seek a relief from the BCZR Section 400.1 for the proposed accessory building to be located in the third of the lot **closest** from the street in lieu of in the third of the lot **farthest** from the street as required.

why wasn't a code violation issued?

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Timothy Kotroco
TIMOTHY M. KOTROCO, Director

BUILDING PERMIT

Donald E. Brand
DONALD E. BRAND, Buildings Engineer

PERMIT #: B668942 CONTROL #: NR DIST: 15 PREC: 01
DATE ISSUED: 06/29/2007 TAX ACCOUNT #: 1 502652130 CLASS: 04

PLANS: CONST 00 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 523 RIVERSIDE DR
SUBDIVISION: ESSEX

OWNERS INFORMATION
NAME: SNYDER, CHRIS R. AND KIMBERLY A
ADDR: 523 RIVERSIDE DR, 21221

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT DETACHED METAL CARPORT ON REAR OF PROPERTY. ACCESSORY LETTER ATTD. FOOTINGS REQ'D. 31'X24'X10'=744SF

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD AND CARPORT
EXISTING USE: SFD

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE: OTHER - RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

LOT SIZE AND SETBACKS

SIZE: 0061.00 X 0100.38
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 12'/18'
SIDE STR SETB:
REAR SETB: 3'

08-119-A

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 20, 2007

RECEIVED
SEP 21 2007
BY:

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-119- Administrative Variance**

The Office of Planning does not oppose the petitioner's request. The proposed accessory structure is in the rear of the property, but due to the lot being a corner lot, it appears to be partially in the side yard. Nonetheless, there is an existing trend of detached rear yard structures throughout the neighborhood.

The following conditions shall be met prior to approval of the variance:

1. The structure (garage) must be similar in architectural character, referring to the color, materials and style as the existing home.
2. The proposed addition shall not exceed 15 feet in height.
3. 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, and kitchen or bathroom facilities.
4. The accessory structure shall not be used for commercial purposes.

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

Reviewed By: Curtis Murray

CM/LL

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Patricia Zook - Case No. 08-119-A (administrative variance - closed 10-1-07)

From: Patricia Zook
To: Matthews, Kristen
Date: 10/4/2007 3:27 PM
Subject: Case No. 08-119-A (administrative variance - closed 10-1-07)
CC: Rascoe, Donald; Tsui, Aaron

Hello Kristen -

Tom Bostwick has called for a hearing on this matter based on the letter of opposition received from Tara Riggen and the memo in the file from Aaron Tsui, Planner II.

The case will need to be reposted and readvertised at the County's expense. Please send a hearing notice to Ms. Riggen and ask Aaron to attend the hearing. Tom will conduct the hearing.

Thanks for your help.

CASE NUMBER: 119
523 Riverside Drive
Location: N side of Riverside Drive, 25 feet E of the c/l of Margaret Avenue.
15th Election District, 7th Councilmanic District
Legal Owner: Christopher R. Snyder
Closing Date 10/1/2007

ADMINISTRATIVE VARIANCE To permit an accessory building (proposed detached garage/storage building) to be located within the third of the lot closest from the street in lieu of third of the lot farthest from the street.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-119-A
DATE 11/27/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Christopher R. Snyder	573 Riverside Dr. 21221	Baltimore, MD 21221	

Expedite, LLC
Consulting

Robert M. Infussi, Sr Principal

January 11,2008

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, MD 21204

Dear Commissioner Bostwick:

RE: Case # 08-119-A

I'm writing this letter on behalf of my client, Christopher Snyder of 523 Riverside Drive, Essex, Maryland 21221. In your opinion for case # 80-119-A you had denied our variance to permit an accessory building (garage) in the rear of the property regarding Section 400.1 of the Baltimore County Zoning Code.

We have since complied with Section 400.1 of the Baltimore County Zoning Code that requires the garage to be in the third of the lot farthest from the street. We have secured a new building permit # B685213 that replaces B-668942 we are going to move the garage to the new location and turn so that the garage doors will now face the street which should make for a more attractive site in the neighborhood.

With that said we now do not need a variance for the garage therefore our Zoning Case should be closed. I have enclosed a new site plan that has been approved by Baltimore County Zoning and Permits for your file.

If you need additional information please call my office (410) 812-2236

Sincerely,

Robert M. Infussi, Sr.
President
Expedite, LLC Consulting

P.O. Box 1043-7043 • Bel Air, Maryland 21014
410.812.2236 • Fax: 410.893.8647
e-mail: expedite.llcrinfussi@comcast.net

PLAT TO ACCOMPANY PETITION FOR ZONING

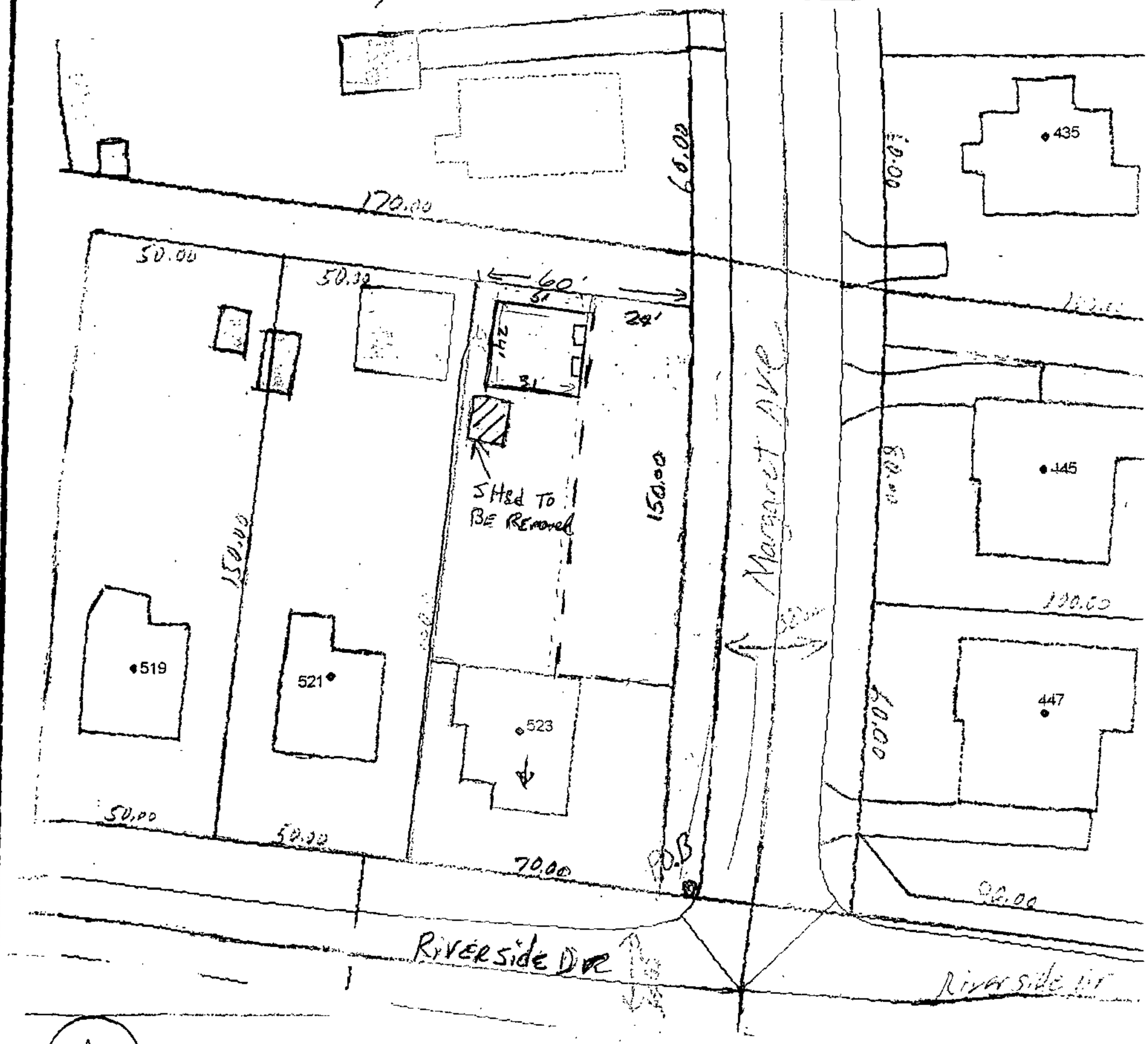
PROPERTY ADDRESS 523 Riverside Dr

SEE PAGES 5 & 6 OF

SUBDIVISION NAME Essex

PLAT BOOK # D FOLIO # 14 LOT # 23 SECTION # E

OWNER Chris Snyder



PREPARED BY Tim Snyder

SCALE OF DRAWING: 1"

September 26, 2007

Baltimore County Office Building
111 West Chesapeake Avenue
Suite 111
Towson, MD 21204

TO: Mr. Kotroco
RE: Case # 08-119-A

Sir:

I am a resident of Essex. I have been here since 1963. I am writing a formal complaint letter regarding the above case #. The building that has been put there at 523 Riverside Drive is a disgrace to the aesthetic value of the neighborhood. It is an industrial looking type building, all metal, that is an absolute eyesore. I am surprised that any county official in charge of permits would allow such an "albatross" to be built in a residential neighborhood.

I am requesting that someone review the permit and if possible have a hearing regarding this building. I am unable to pay the $50.00 required to have a public hearing, therefore I am including my complaint in this letter.

If possible, I would like to have a copy of the decision regarding the legality of this building to be mailed to me at :

435 Margaret Avenue
Baltimore, MD 21221

Telephone: (410) 391-3117

Thank you.

Tara Riggen

PROTESTANT'S
EXHIBIT NO. 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 20, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-119- Administrative Variance**

The Office of Planning does not oppose the petitioner's request. The proposed accessory structure is in the rear of the property, but due to the lot being a corner lot, it appears to be partially in the side yard. Nonetheless, there is an existing trend of detached rear yard structures throughout the neighborhood.

The following conditions shall be met prior to approval of the variance:

1. The structure (garage) must be similar in architectural character, referring to the color, materials and style as the existing home.
2. The proposed addition shall not exceed 15 feet in height.
3. 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, and kitchen or bathroom facilities.
4. The accessory structure shall not be used for commercial purposes.

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

Reviewed By: Cindy Murray

CM/LL

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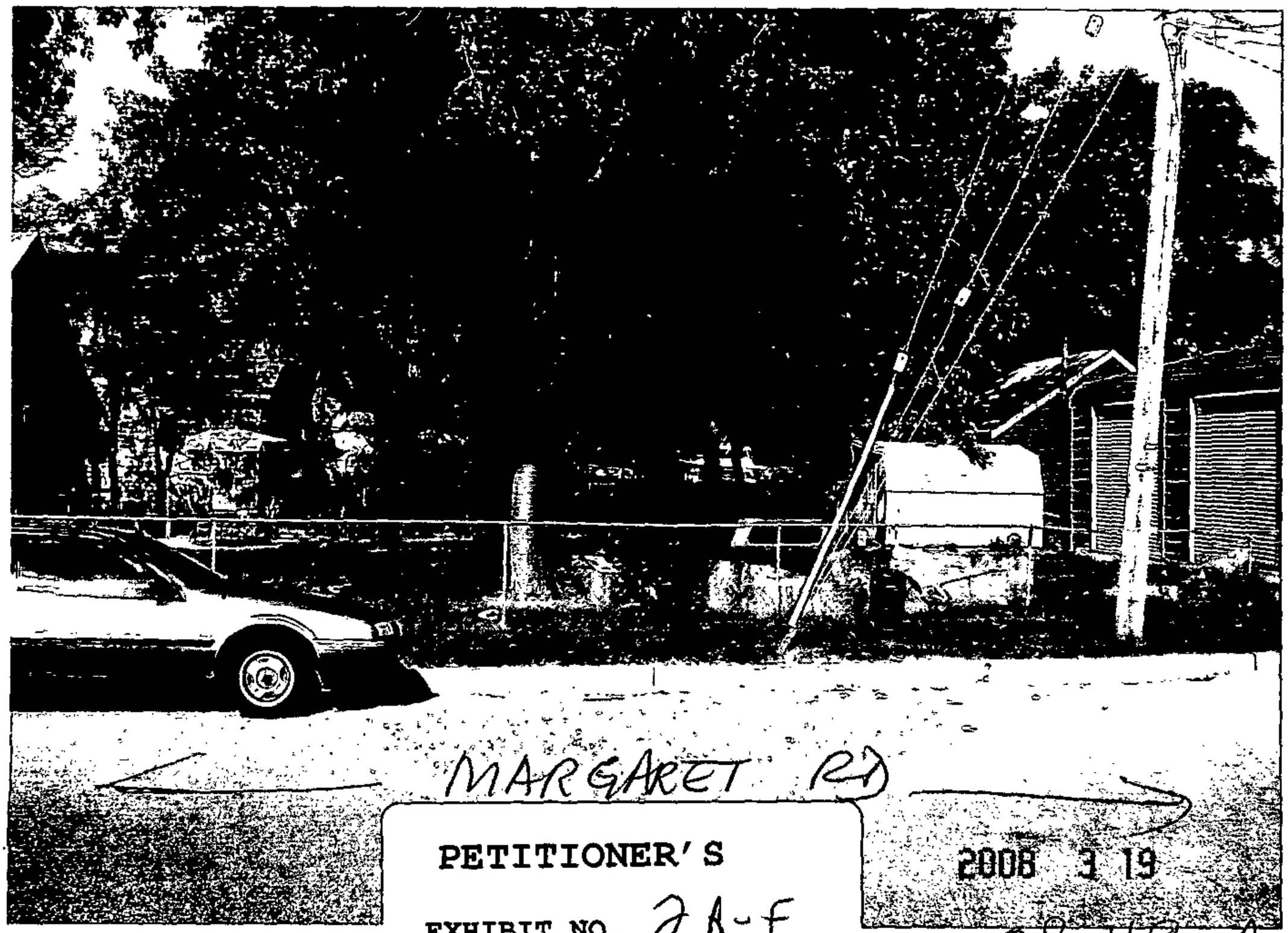
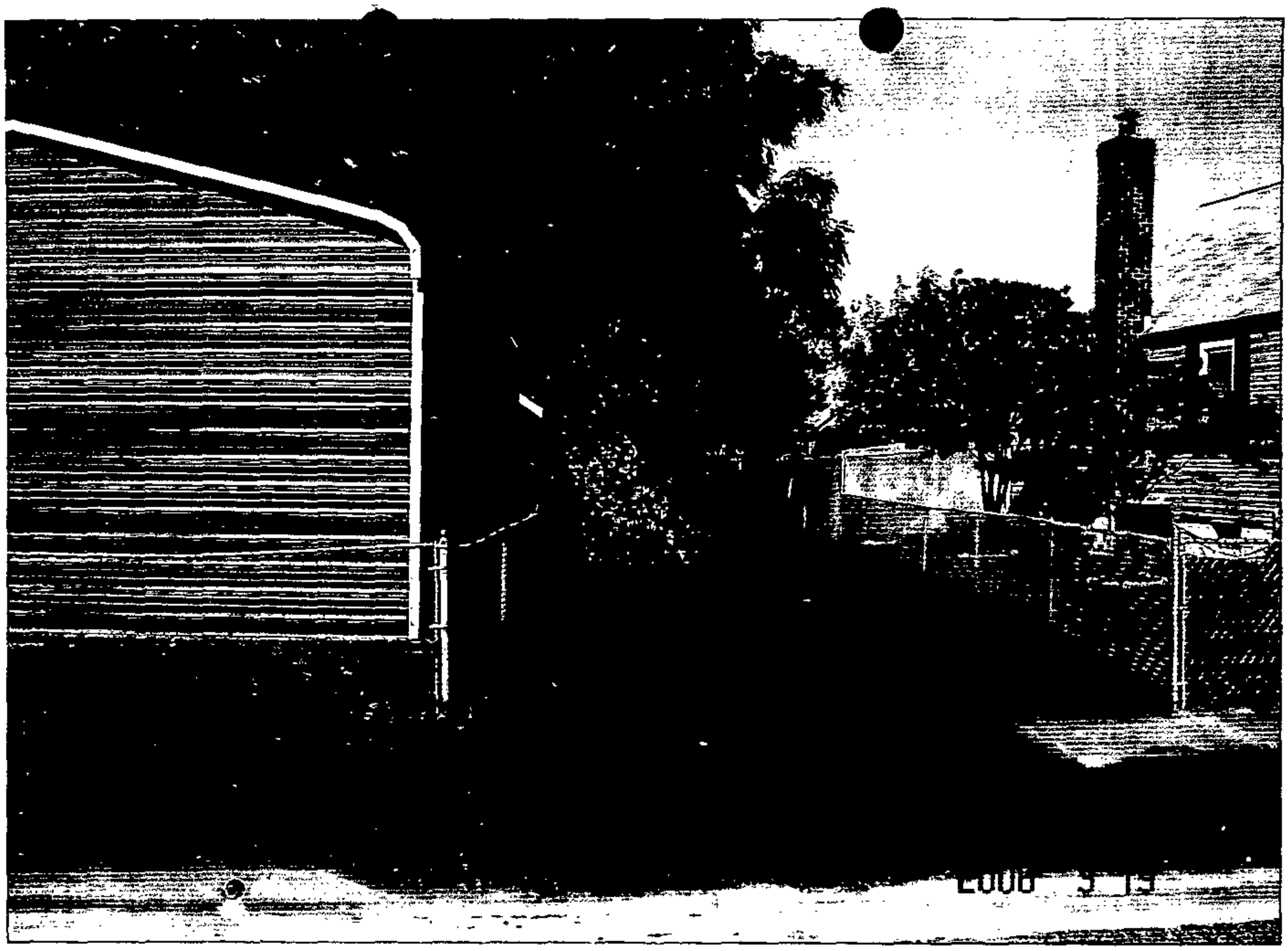


PETITIONER'S

EXHIBIT NO. 2A-F

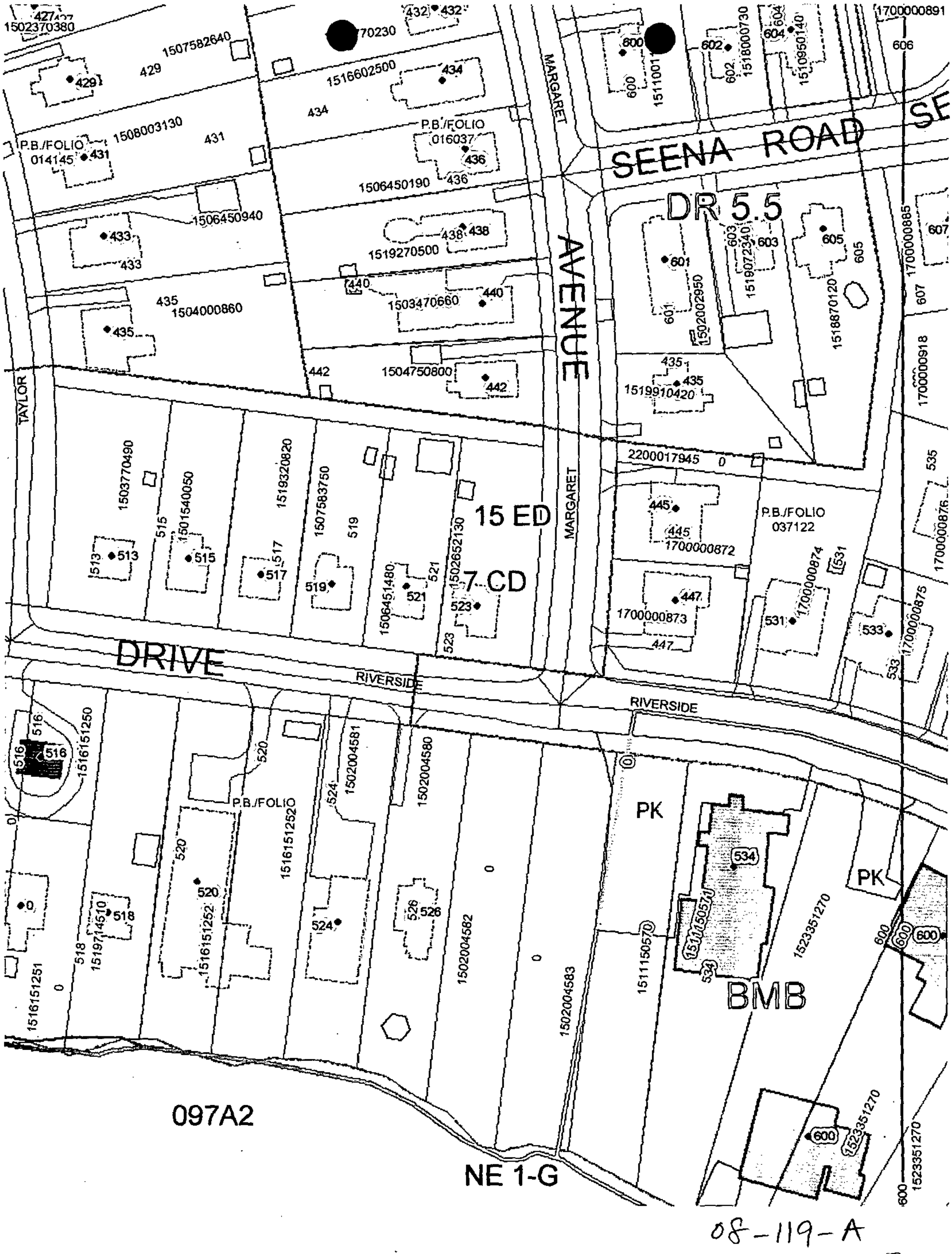
2008 3 19

08-119-A



08-119-A

08-119-A


SEENA ROAD
DR 5.5
MARGARET AVENUE
TAYLOR
DRIVE
RIVERSIDE
15 ED
7 CD
PK
BMB
097A2
NE 1-G
08-119-A

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

PROPERTY ADDRESS 523 Riverside Dr

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

SUBDIVISION NAME Essex

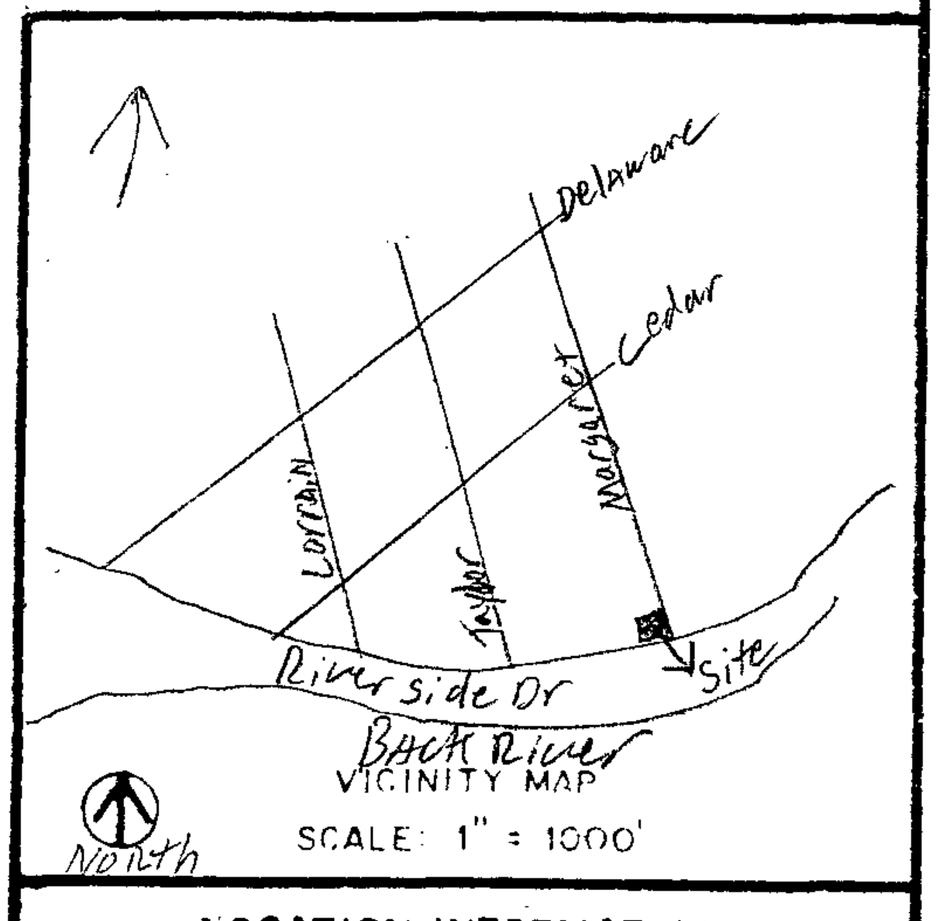
PLAT BOOK # D FOLIO # 74 LOT # 23 SECTION # E

OWNER Chris Snyder

NORTH

PREPARED BY Tim Snyder

SCALE OF DRAWING: 1" = 40



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A2

ZONING DR5.5

LOT SIZE ACREAGE ____ SQUARE FEET 9150

	PUBLIC	PRIVATE
SEWER	[✓]	[ ]
WATER	[✓]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[✓]
100 YEAR FLOOD PLAIN	[ ]	[✓]
HISTORIC PROPERTY/ BUILDING	[ ]	[✓]

PRIOR ZONING HEARING None

PETITIONER'S EXHIBIT NO. 1

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
A. Tsui	119	08-119-A

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

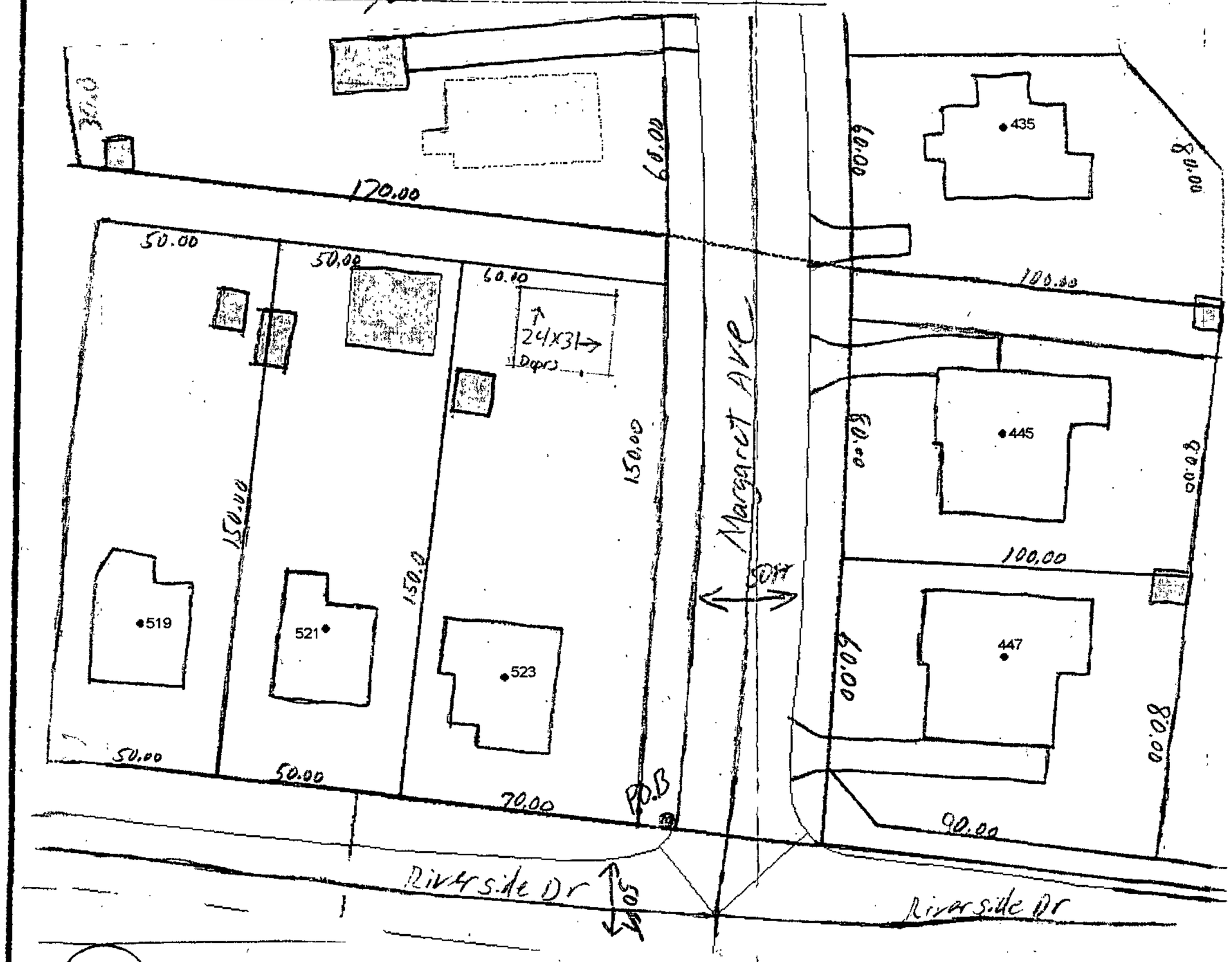
PROPERTY ADDRESS 523 Riverside Dr

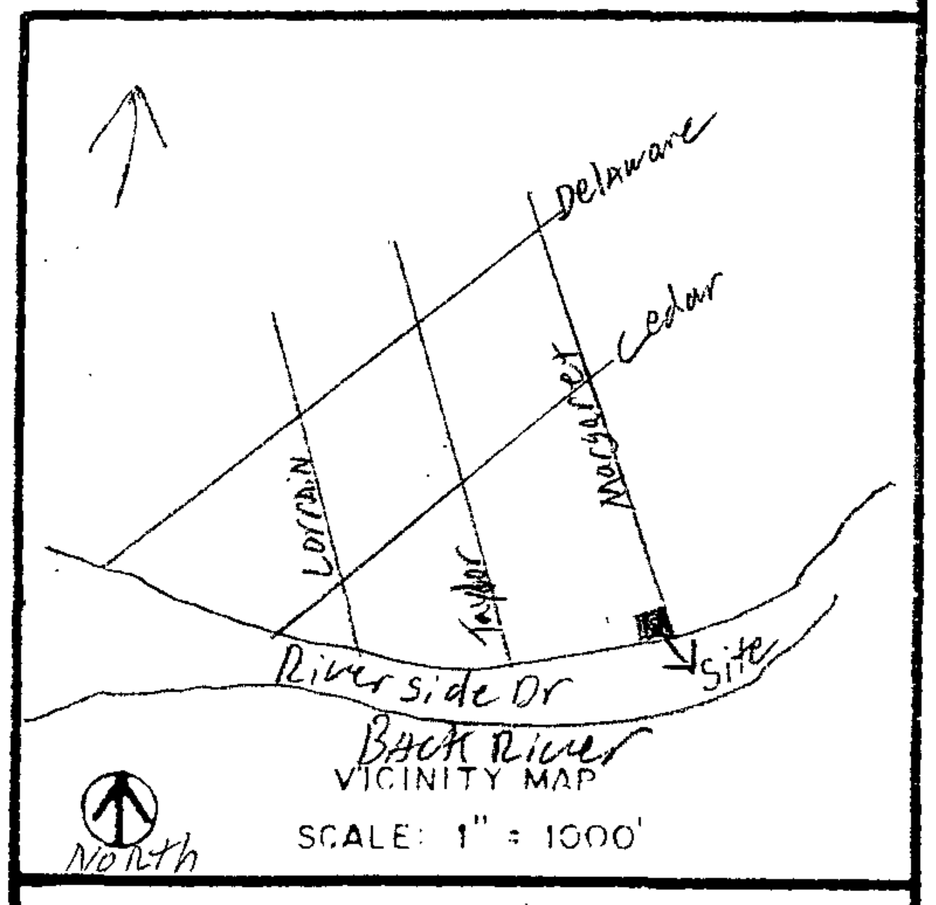
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Essex

PLAT BOOK # D FOLIO # 74 LOT # 23 SECTION # E

OWNER Chris Snyder





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COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A2

ZONING DR 5.5

LOT SIZE _____ ACREAGE 9150 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	[✓]	[ ]
WATER	[✓]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[✓]
100 YEAR FLOOD PLAIN	[ ]	[✓]
HISTORIC PROPERTY/ BUILDING	[ ]	[✓]

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
A. Tsai	119	08-119-A

PREPARED BY Tim Snyder

SCALE OF DRAWING: 1" = 40

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

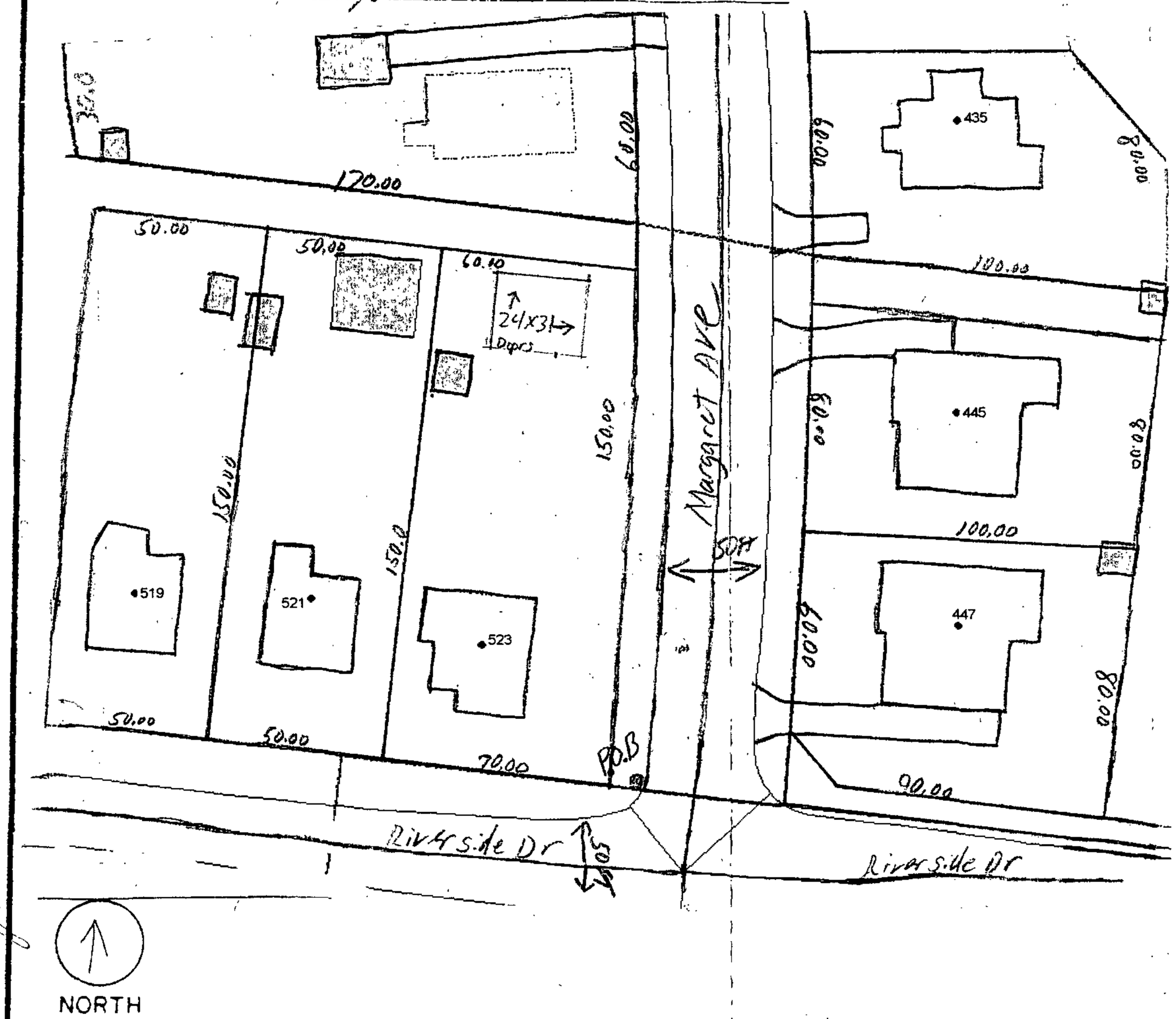
PROPERTY ADDRESS 523 Riverside Dr

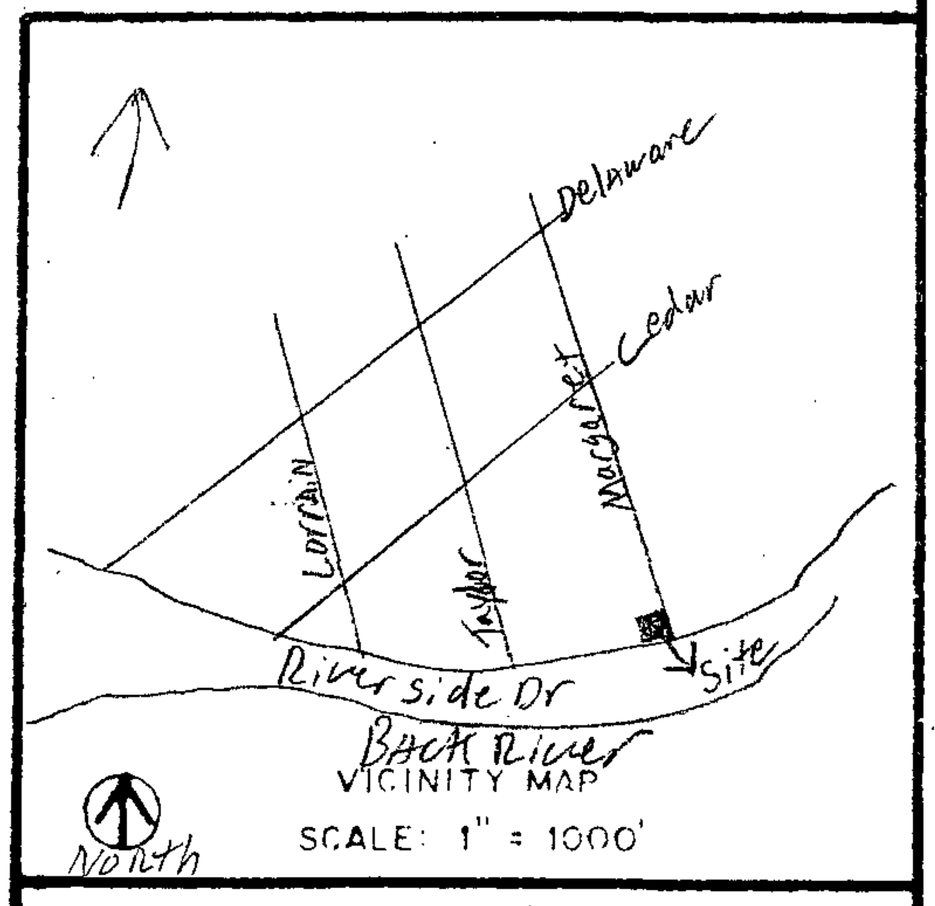
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Essex

PLAT BOOK # D FOLIO # 74 LOT # 23 SECTION # E

OWNER Chris Snyder





VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A2

ZONING

LOT SIZE ACREAGE _____ SQUARE FEET 9150

	PUBLIC	PRIVATE
SEWER	[✓]	[ ]
WATER	[✓]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[✓]
100 YEAR FLOOD PLAIN	[ ]	[✓]
HISTORIC PROPERTY/ BUILDING	[ ]	[✓]

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
A-Tsui	119	08-119-A

PREPARED BY Tim Snyder

SCALE OF DRAWING: 1" = 40