IN RE: **PETITION FOR VARIANCE** W/S Back River Neck Road, 610′ S of Bay Avenue **(1216 Back River Neck Road)** 15th Election District 6th Council District John David Killian, et ux Petitioners	* * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY **Case No. 08-165-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, Michelle Killian and her husband, John Killian. The Petitioners seek variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (shed) to be located in the front yard of the principal dwelling 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 Petitioners' Exhibits 1 and 4, respectively.

Appearing at the requisite public hearing in support of the request were John and Michelle Killian, property owners. There were no Protestants or other interested persons present. Norman Demond and Glen Buxenstein, adjacent property owners and most affected by the shed's location, wrote letters of support, received as Petitioners' Exhibit 3.

Testimony and evidence offered revealed that the subject property is a rectangularly-shaped parcel located with frontage on Back River Neck Road just south of the Chesapeake Bay and Bay Avenue in Essex. The property contains a gross area of 20,433 square feet, more or less (0.469 acres) zoned D.R. 20, and is improved with a recently constructed single-family dwelling (two story Colonial) and an accessory shed. It is this shed which is the subject of the

instant request. In this regard, the Petition was filed as the result of an anonymous[1] 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 rear portion of the lot some 140' west of Back River Neck Road with the shed located in the front side yard 102' back from the road on the south side of the driveway and the paved parking area.

Testimony indicated that the Petitioners recently purchased the subject property (July 2006) and built their home in an area designated by the Department of Environmental Protection and Resource Management (DEPRM). As evidenced by the Zoning Advisory Committee (ZAC) comment and Petitioners' Exhibit 2 which delineates environmental constraints, the property contains two Critical Area Easements (non-disturbance areas) located in both the rear and the front of the property. DEPRM requires the shed be located outside of these critical area easements. In this regard, after building their home, Petitioners purchased the shed for the purpose of storing lawn furniture, garden tools and equipment. Mr. Killian testified that he placed the shed in the side yard as the shed could not be located in the rear yard due to the restricted area. He was unaware that this location conflicted with the applicable zoning regulations. He stated that he placed the shed where he did in part to block the view of the commercial property and activities that take place at ATL Investments, LLC next door. 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 (Petitioners' Exhibits 4 through 5) support his contention and show many sheds erected over time in disregard of the zoning regulations.

[1] It is worthy of note that Violation Case No. 08-165-A was investigated by Code Official Chip Raynor upon receipt of a "concerned citizen letter" listing various concerns ranging from uncut grass at 2401 and 2501 Barrission Point Road, vehicles (cars and trucks) parked along Barrission Point Road and the need to paint yellow lines down the center of Barrission Point Road....

Relief is requested as set forth above to allow the shed to remain in its present location. It's impact at this location is mitigated across Back River Neck Road (east side) is conservation land owned by the State Highway Administration that effectively prevents the building of homes or other development. Similarly to the rear or west side of the Petitioners' property is a large "remediation area" where landscaping and tree plantings are being placed by Robert Romadke as a condition of approval of the Cottages at Norman Creek Development.

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance request. I must consider the request in accordance with the mandate of *Cromwell v. Ward*, and Section 307 of the B.C.Z.R. in determining 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. In the case, I find that the environmental constraints are so sever that the Petitioners were not able to build a garage which they desired and the Critical Area Easement drives the need to locate the shed outside of these non-disturbance areas. Secondly, upon this determination that the property is unique, it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and would be unnecessarily burdensome. Admittedly it is possible to compel the Petitioners to place the shed further back on the side yard, but compliance with B.C.Z.R. Section 400.1 is not possible given these facts. While the current placement of the shed is perhaps not the most aesthetically desirable, I find the variance relief will not have adverse impacts on the surrounding community. For these reasons, I will grant the Petition for Variance and will specifically limit its duration in time to these Petitioners.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of December 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 front of the principal dwelling in lieu of the required rear yard, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

1. Petitioners are advised that they may apply for any required building permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioners shall not utilize the accessory structure for any commercial or business purposes. It shall be used solely for storage incidental to the residence. Moreover, the area surrounding the accessory structure shall be maintained in good condition and there shall be no storage of items immediately outside or around the accessory structure. Landscaping and plantings shall be permitted around the accessory structure.

3. Upon such time as the accessory structure is no longer needed by Petitioners for their current use, or in the event Petitioners sell or transfer their interest in the property, Petitioners shall remove said accessory structure from the property within ninety (90) days.

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 12-17-07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 17, 2007

John David Killian and Michelle Killian
1216 Back River Neck Road
Essex MD 21221

RE: **Petition For Variance**
(1216 Back River Neck Road)
Case No. 08-165-A

Dear Mr. and Mrs. Killian:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with conditions 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz
Enclosure

c: People's Counsel; File

CBCA

TAX. A[redacted] # 2500001471

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1216 BACK RIVER NECK RD ESSEX MD 21221

which is presently zoned RC 20

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 - to permit an existing detached accessory structure (shed) to be located in front of the principal dwelling in lieu of the required rear

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

SEE ATTACHED

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

I/We do solemnly declare and affirm, under the penalties of 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):

JOHN DAVID KILLIAN

Name - Type or Print

Signature

MICHELLE KILLIAN

Name - Type or Print

Signature

1216 BACK RIVER NECK RD 410 686 3449 443 829 9518

Address Telephone No.

ESSEX MD 21221

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By RJJ **Date** 10/5/07

Case No. 08-165-A

[redacted] RECEIVED FOR [redacted]

12-17-07

pm

REV 9/15/98

HARDSHIP/PRACTICAL DIFFICULTY

TO WHOM IT MAY CONCERN;

BEING NEXT TO COMMERCIAL PROPERTY, SHED BLOCKS SAID VIEW FROM LIVING ROOM, DINING ROOM, FRONT PORCH, AND FRONT YARD OF OUR HOME. IF SHED WAS TO BE LOCATED ON REAR OF PROPERTY SHED WOULD BLOCK VIEW OF TENS OF ACRES OF UNDISTURBED WETLAND AND FORESTLAND FROM FAMILY ROOM, KITCHEN, AND BACK YARD.

THERE ARE ALSO SEVERAL OTHER SHEDS IN OUR COMMUNITY THAT ARE SET FORWARD ON THEIR PROPERTIES.

Item # 165

ZONING DESCRIPTION

ZONING DESCRIPTION FOR; 1216 BACK RIVER NECK RD.
BALTIMORE, MD 21221-6328

Beginning at a point on the WEST side of BACK RIVER NECK RD.

Which is 30 FEET wide at the distance of 610 FEET SOUTH of the centerline of the nearest improved intersecting street, BAY AVE. which is 20 FEET wide. As recorded in Deed Referance 24130, Folio 60; metes and bounds;

N.87 34' 47" W 200.00'
S.02 35'39" W 17.00'
S.04 35' 21" E 38.81'
S.86 34' 47" E 210.48'
S.02 35' 39" W 100.00'

To the beginning, containing 20,433 SQUARE FEET.

Also known as 1216 BACK RIVER NECK RD.
BALTIMORE, MD 21221-6328

And located in the 15th Election District, 6th Councilmanic District.

Item # 165

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: 08-165-A

Petitioner: JOHN KILLIAN

Address or Location: 1216 BACK RIVER NECK RD
BALTO MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN KILLIAN

Address: 1216 BACK RIVER NECK RD
BALTO MD 21221

Telephone Number: 410 686 3449

Revised 7/11/05 - SCJ

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: # 08-165-A
1216 Back River Neck Road
W/side of Back River Neck Road, 610 feet south of Bay Avenue
15th Election District — 6th Councilmanic District
Legal Owner(s): John & Michelle Killian

Variance: to permit an existing detached accessory structure (shed) to be located in the front of the principal dwelling in lieu of the required rear.

Hearing: Tuesday, December 11, 2007 at 10:00 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) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/783 November 27 156374

CERTIFICATE OF PUBLICATION

11/29/, 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 11/27/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 06123

Date: 10/5/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00
							Total:	65.00

Rec From:

For: Variance hearing - Case # 08-165-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
10/05/2007 10/05/2007 10:31:04 2
MISC MISC. TEVA JEL
>>RECEIPT # 340414 10/05/2007 OPLH
5 STD ZONING VERIFICATION
06123
Rcpt Tot $65.00
$65.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 08-165-A

Petitioner/Developer: JOHN + MICHELLE KILLIAN

Date of Hearing/Closing: 12-11-07

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

ATTN: Kristen Matthews {(410) 887-3394}

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: 1216 BACK RIVER NECK ROAD

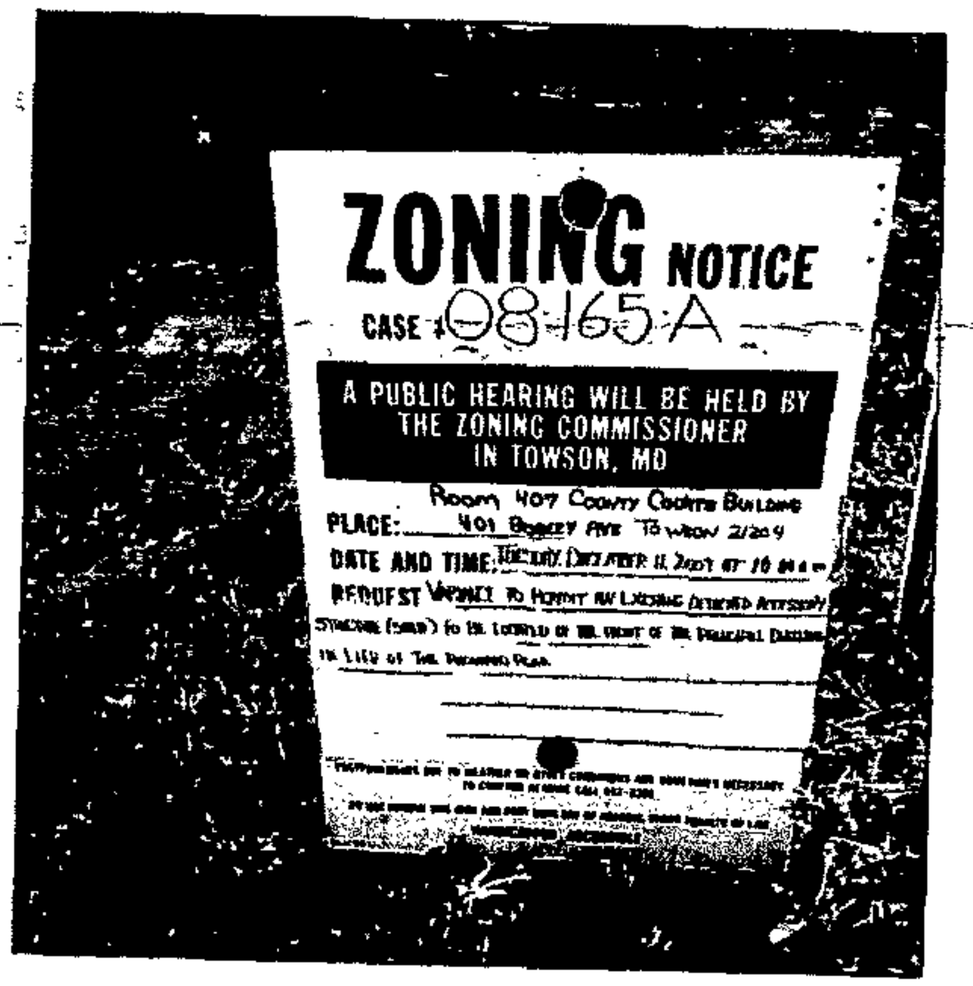
The sign(s) were posted on 11-25-07
(Month, Day, Year)

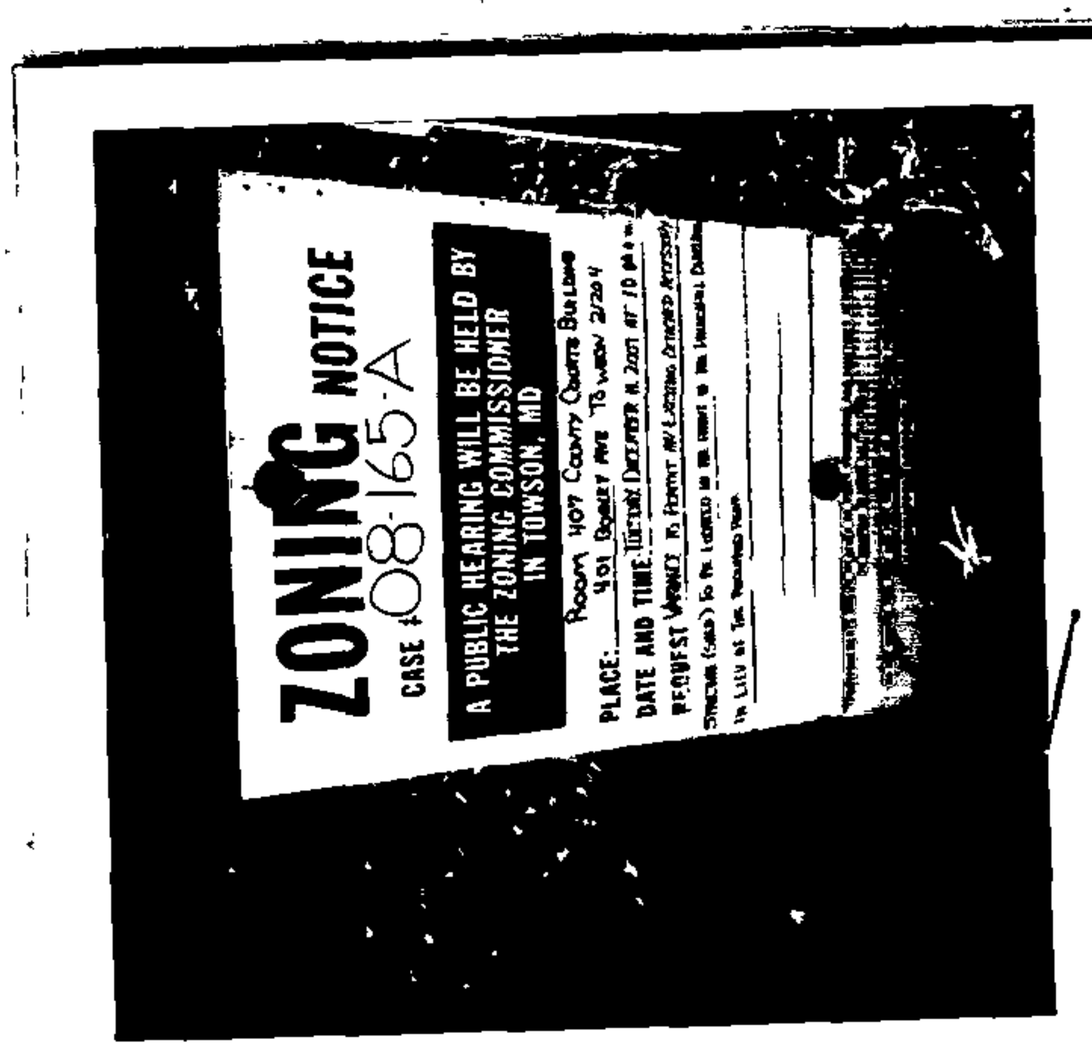
Sincerely,

Robert Black 11-26-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)





BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 22, 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: 08-165-A
1216 Back River Neck Road
W/side of Back River Neck Road, 610 feet south of Bay Avenue
15th Election District – 6th Councilmanic District
Legal Owners: John & Michelle Killian

Variance to permit an existing detached accessory structure (shed) to be located in the front of the principal dwelling in lieu of the required rear.

Hearing: Tuesday, December 11, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: John & Michelle Killian, 1216 Back River Neck Road, Essex 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 26, 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, November 27, 2007 Issue - Jeffersonian

Please forward billing to:
John Killian
1216 Back River Neck Road
Baltimore, MD 21221

410-686-3449

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: 08-165-A
1216 Back River Neck Road
W/side of Back River Neck Road, 610 feet south of Bay Avenue
15th Election District – 6th Councilmanic District
Legal Owners: John & Michelle Killian

Variance to permit an existing detached accessory structure (shed) to be located in the front of the principal dwelling in lieu of the required rear.

Hearing: Tuesday, December 11, 2007 at 10:00 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.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 5, 2007

John David Killian
Michelle Killian
1216 Back River Neck Road
Essex, Maryland 21221

Dear Mr. and Mrs. Killian:

RE: Case Number: 08-165-A, 1216 Back River Neck Road

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 15, 2007

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 22, 2007
Item Nos. 08-156, 160, 162, 164, 165,
166, 167, 169, and 170

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-10152007.doc

BW 12/11
10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 0 6 2007
BY:_____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: November 6, 2007

SUBJECT: Zoning Item # 08-165-A
Address 1216 Back River Neck Road
(Killian Property)

Zoning Advisory Committee Meeting of October 15, 2007

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_X_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_X_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:
Critical Area Easements (non-disturbance areas) exist at the rear of the property and the front of the property. DEPRM requires that the shed be located outside of these Critical Area Easements.

Reviewer: Paul A. Dennis Date: 11/5/07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-165-A.doc

BLW 12/11
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 1, 2007

RECEIVED
NOV 01 2007
BY:

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-165**

The Office of Planning has reviewed the above referenced case(s) and has no comments.

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

Prepared By: R. Bruce Seeley

Division Chief: Lynn Lanham / AMS

rbs

W:\DEVREV\ZAC\08-165 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: October 17, 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. 08-165-A
1216 Back River Neck Rd
Killiam/David 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. 8-165A.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 1, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-165**

The Office of Planning has reviewed the above referenced case(s) and has no comments.

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

Prepared By: R. Bruce Seely

Division Chief: Lynn Lanham / AMS

rbs

W:\DEVREV\ZAC\08-165.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

October 11, 2007

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

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 15, 2007

Item Number: Item Number 156,160, 162, 163, 164, 165, 166,167,168, 169,170

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
410-887-4880 (C)443-829-2946
MS-1102F

cc: File

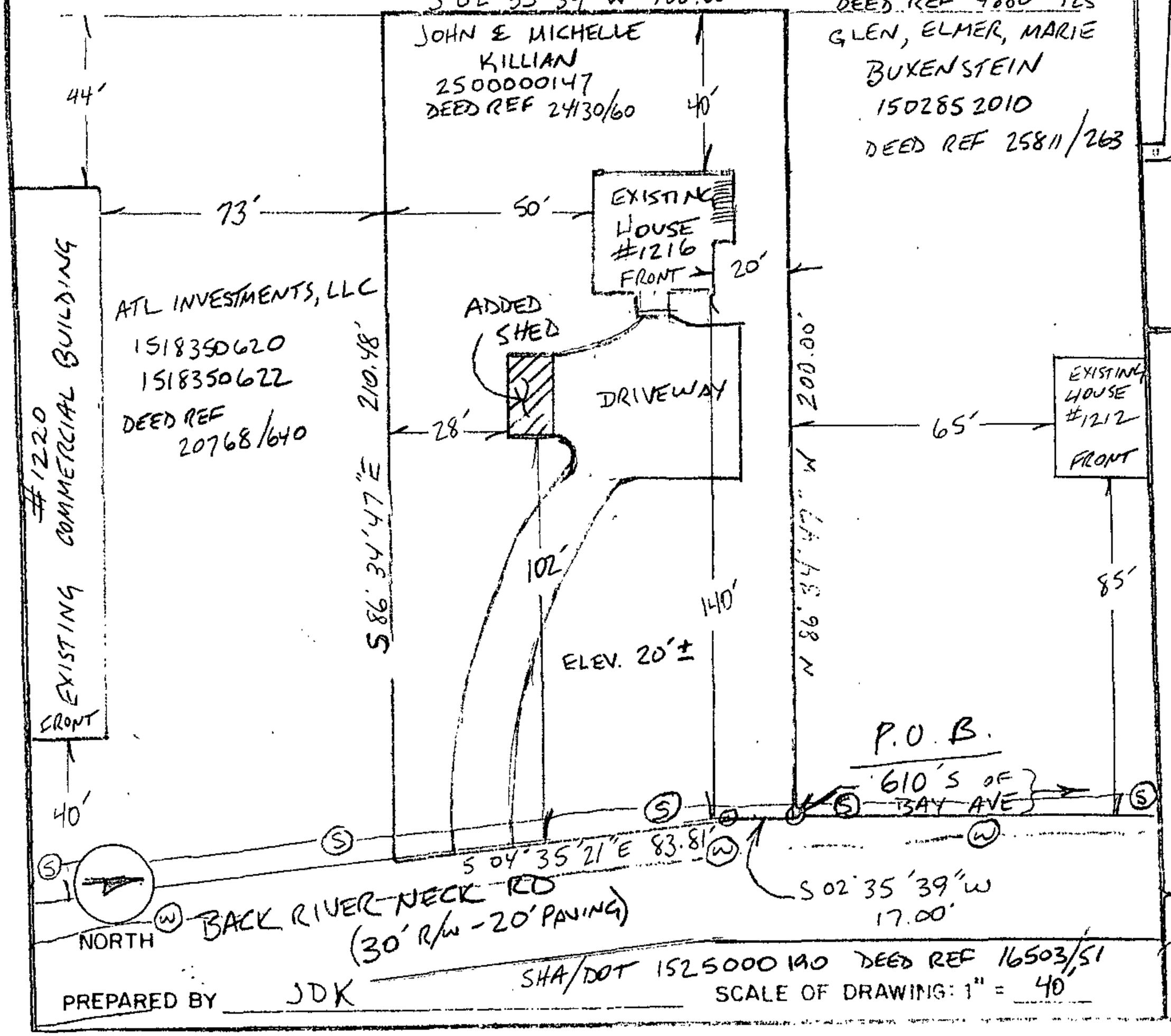
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

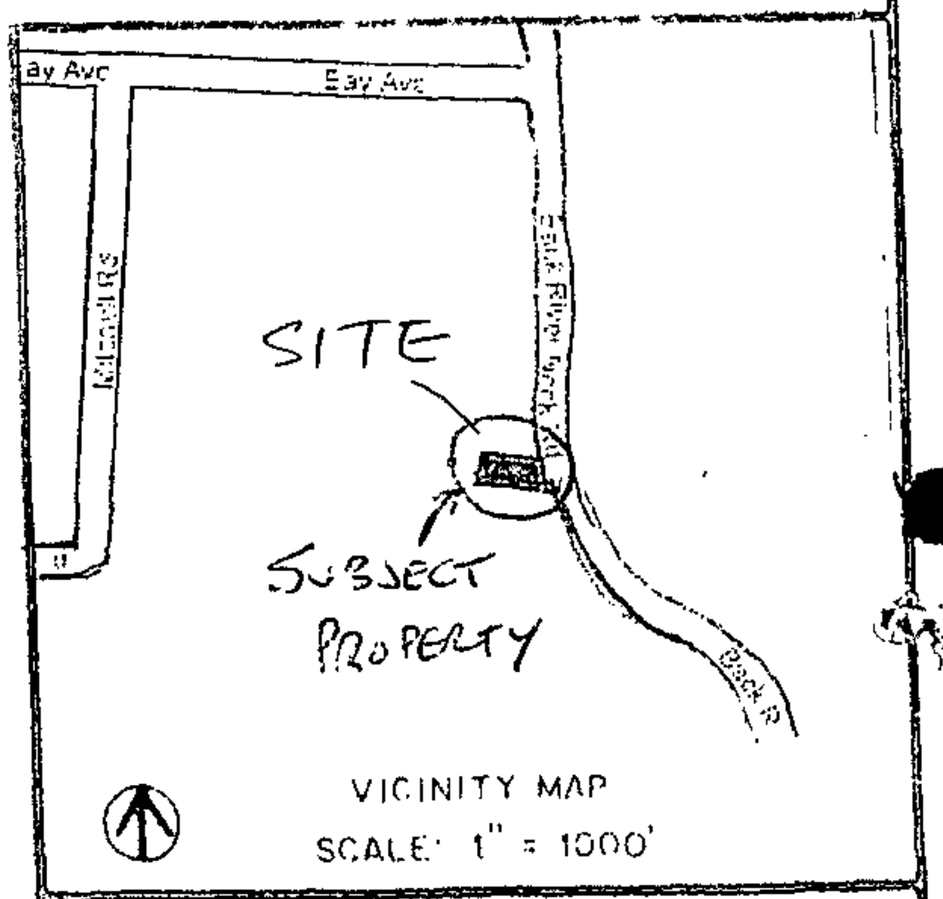
PROPERTY ADDRESS 1216 BACK RIVER NECK RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME 1540' SOUTH OF BAY AVE

PLAT BOOK # ___ FOLIO # ___ LOT # 11-12 SECTION # ___

OWNER JOHN & MICHELLE KILLIAN





LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # 104 C1 + 105 A1

ZONING RC-20

LOT SIZE .469 ACREAGE — 20,433 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 #
		08-165-A

PREPARED BY JDK SCALE OF DRAWING: 1" = 40'

-15-

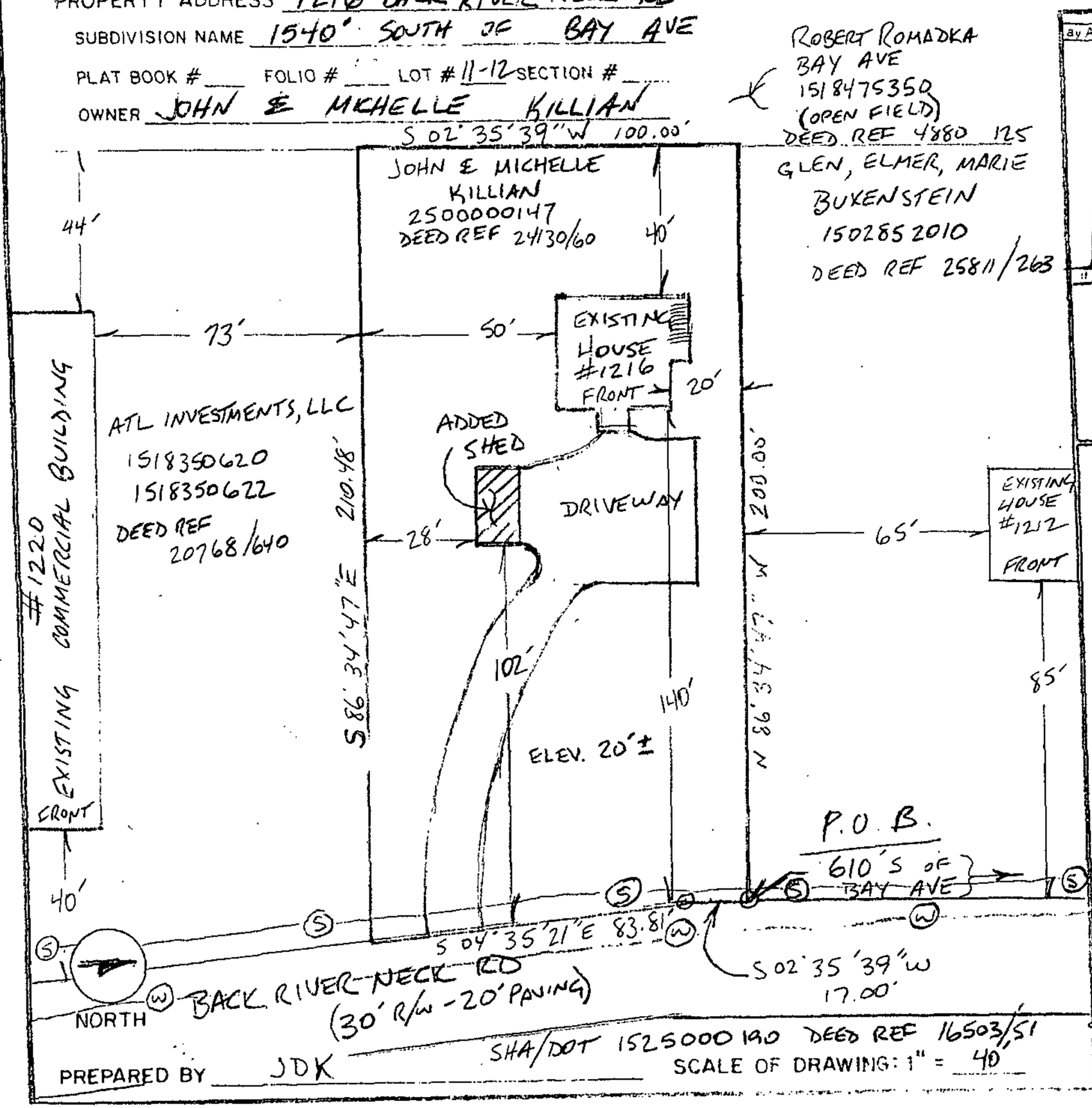
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

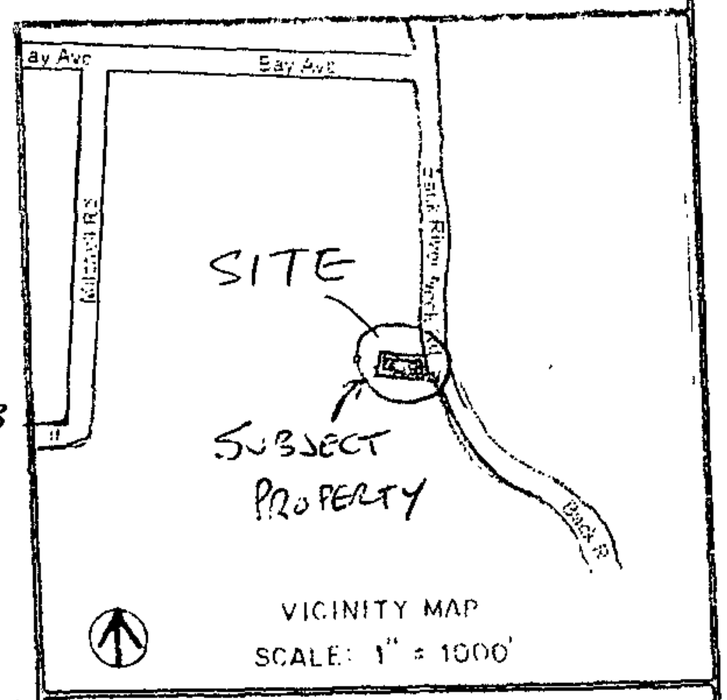
PROPERTY ADDRESS 1216 BACK RIVER NECK RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME 1540' SOUTH OF BAY AVE

PLAT BOOK # ____ FOLIO # ____ LOT # 11-12 SECTION # ____

OWNER JOHN & MICHELLE KILLIAN





LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # 104 C1+

ZONING RC-20 105 A1

LOT SIZE .469 (ACREAGE) 20,433 (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 #
		08-165-A

PREPARED BY JDK SCALE OF DRAWING: 1" = 40'

Case No.: 08-165A 1216 BACK RIVER NECK RD

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	Denote Critical Area Easement (Plat)	
No. 3	Letters of Support letter sible	
No. 4	Photo's of Various Views from Home	
No. 5	OTHER Sheds in Violation of Sect. 400.1	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBIT NO. 1

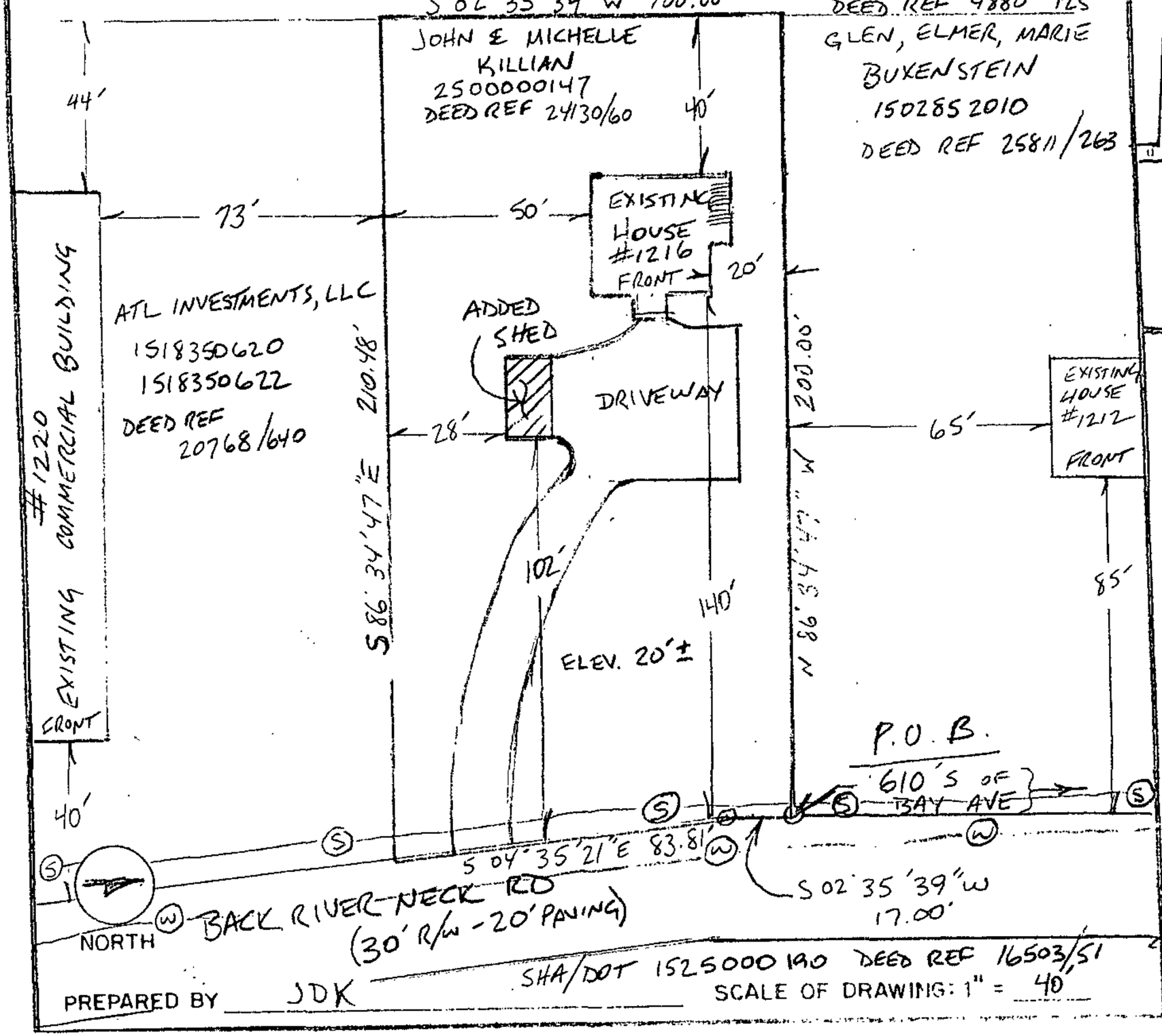
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐

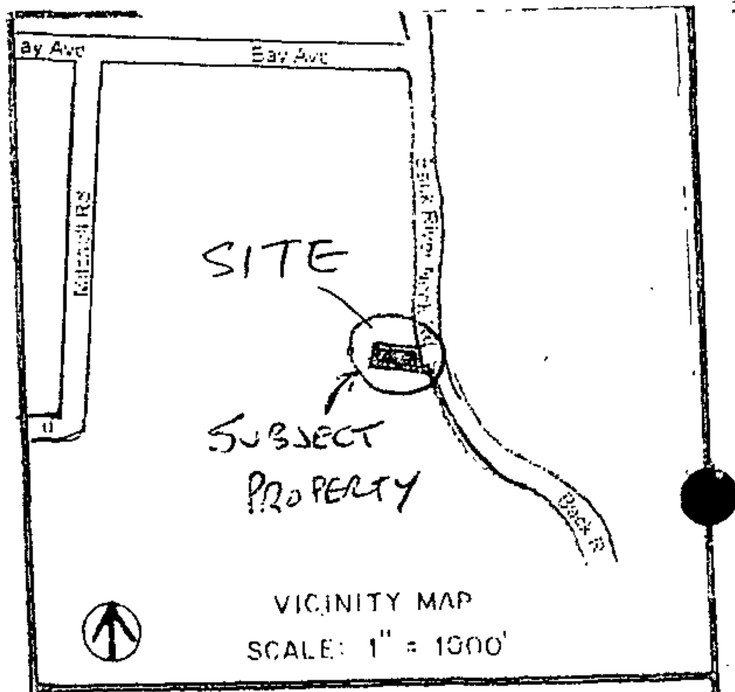
PROPERTY ADDRESS 1216 BACK RIVER NECK RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDIT

SUBDIVISION NAME 1540' SOUTH OF BAY AVE

PLAT BOOK # ___ FOLIO # ___ LOT # 11-12 SECTION # ___

OWNER JOHN & MICHELLE KILLIAN





LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # 104 C1 + 105 A1

ZONING RC-20

LOT SIZE .469 ACREAGE / 20,433 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

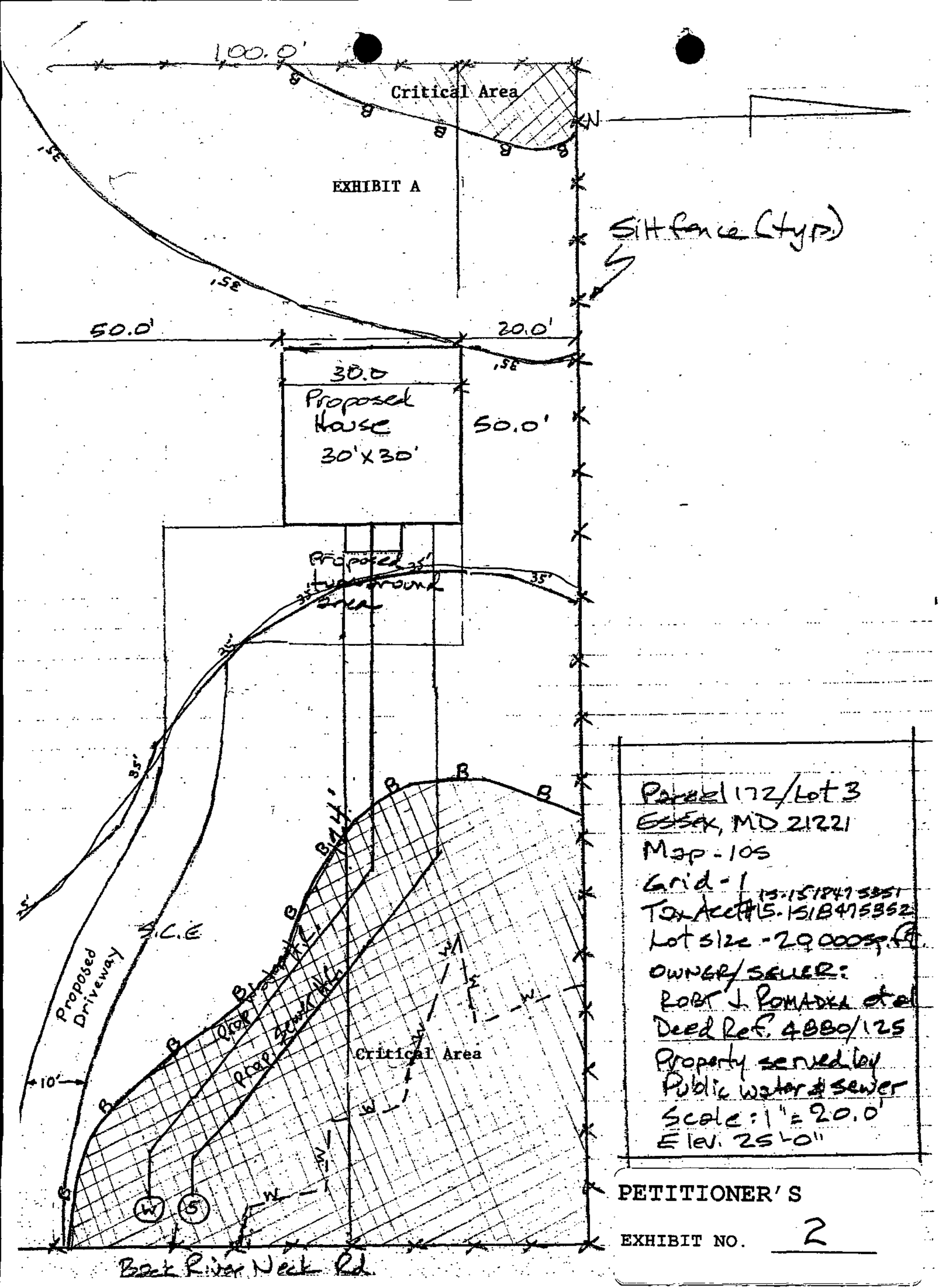
	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ___ ITEM # ___ CASE # 08-165-A

PREPARED BY JDK SCALE OF DRAWING: 1" = 40'



PETITIONER'S

EXHIBIT NO. 2

THE SHED IN QUESTION NO WAY INHIBITS US ASTETICALLY OR IN THE MANNER WHICH WE DO BUSINESS. THEREFORE AS THE OWNER OF 'ATL INVESTMENTS' I HAVE NO PROBLEM WITH THE SHEDS CURRENT LOCATION.

Norman Demond 10/2/2007

NORMAN DEMOND
OWNER ATL INVESTMENTS

(neighboring property to South)
1220 ATL Investments
Machine Shop.

PETITIONER'S
EXHIBIT NO. 3

TO WHOM IT MAY CONCERN;

AS THE HOME OWNER RESIDING IN 1212 BACK RIVER NECK RD. I HAVE NO PROBLEM WITH THE KILLIANS PLACING THEIR SHED IN FRONT OF THEIR HOUSE. THE COLOR SCHEME AND SHINGLES MATCH THEIR HOUSE AND IT BLOCKS VIEW OF THE MACHINE SHOP TWO DOORS DOWN.

THANK YOU

9-27-07

GLEN BUXENSTEIN

Neighboring Property to North of Petitioner — parade side

DINING ROOM VIEW

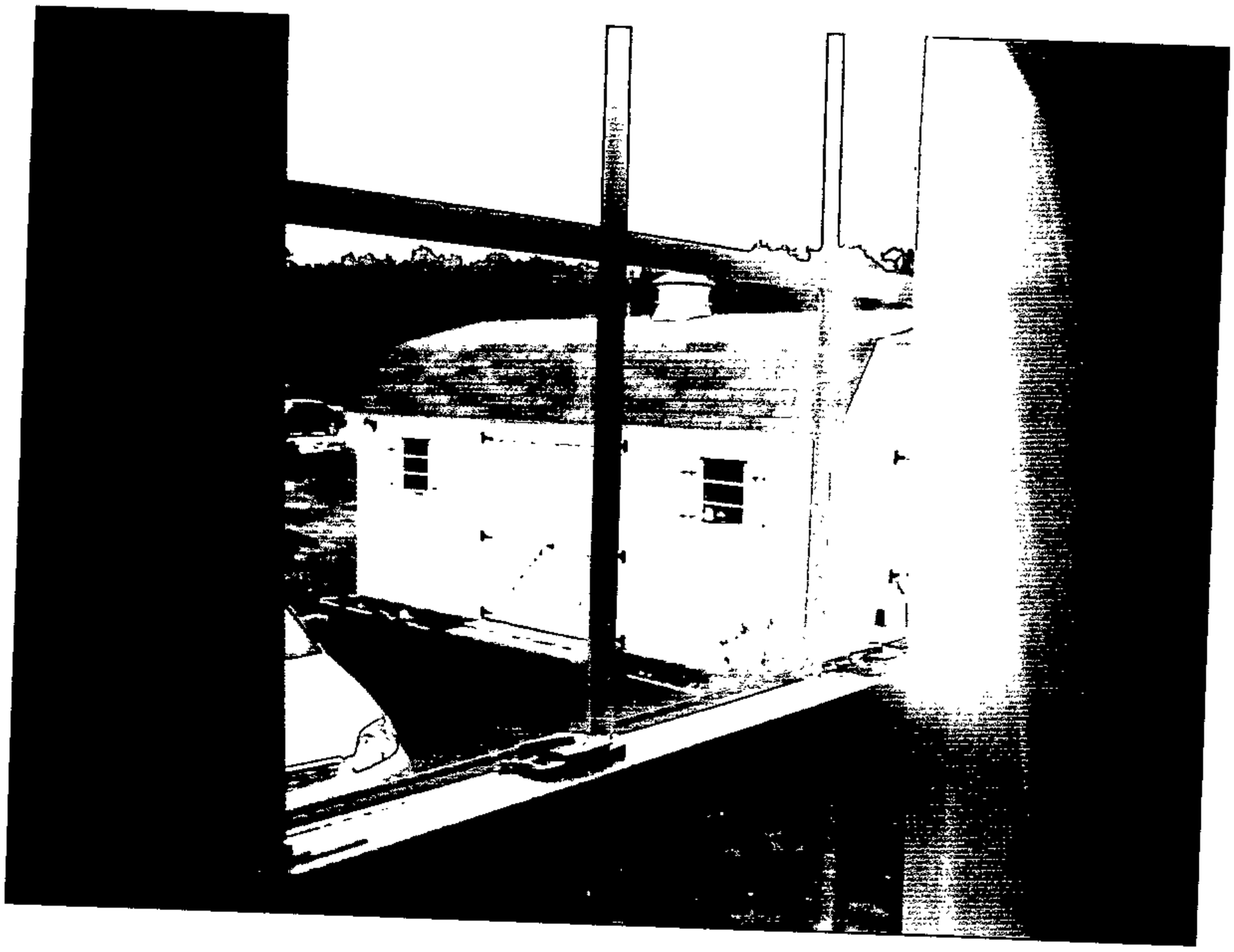
DINING ROOM VIEW

PETITIONER'S

EXHIBIT NO. 4

DRIVEWAY VIEW

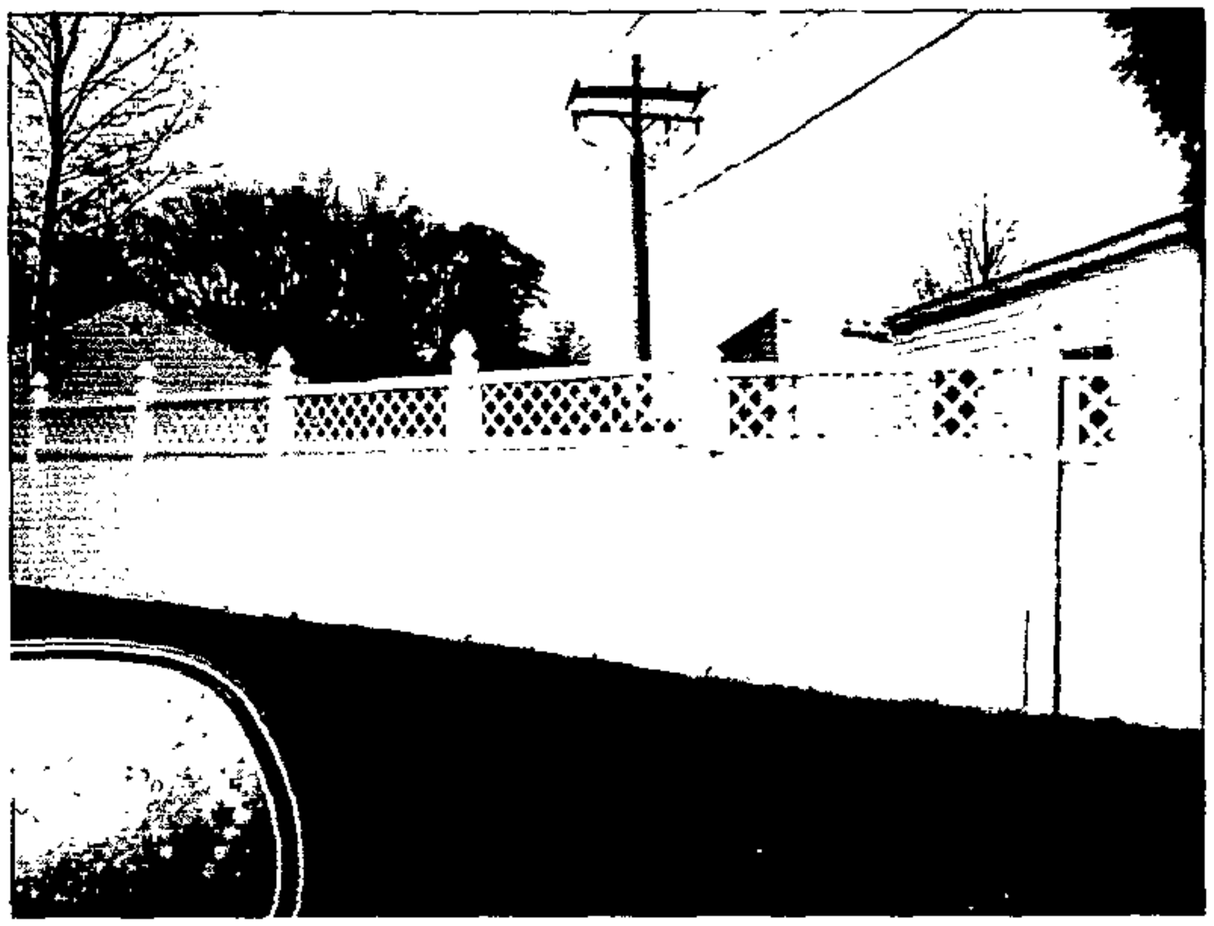
FRONT YARD VIEW



LIVING ROOM VIEW

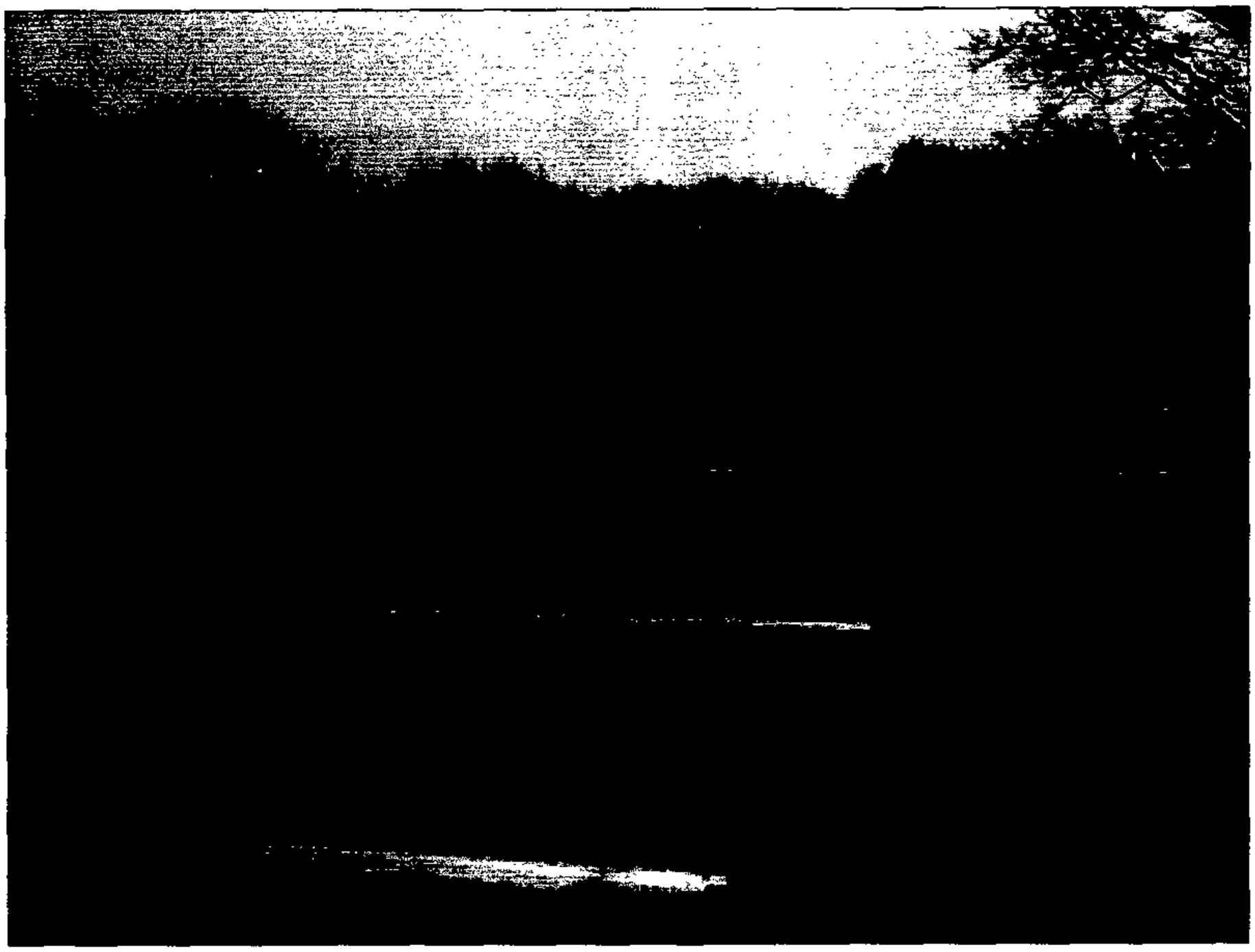
2002 HOLLYNECK RD.
ESSEX, MD 21221

1511 DENTON RD.
ESSEX, MD 21221



1902 SUE AVE.
ESSEX, MD 21221

1905 OLD TURKEYPOINT RD.
ESSEX, MD 21221



INTERSECTION
MD702/TURKEYPOINT RD.
ESSEX, MD 21221

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1)

Go Back
View Map
New Search

Account Identifier: **District** - 15 **Account Number** - 2500000147

Owner Information

Owner Name:	KILLIAN JOHN DAVID KILLIAN MICHELLE	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1216 BACK RIVER NECK RD BALTIMORE MD 21221-6328	**Deed Reference:**	1) /24130/ 60 2)

Location & Structure Information

Premises Address
1216 BACK RIVER NECK RD

Legal Description
0.469 AC LTS11,12
BACK RIVER NECK RD WS
1540 FT S OF BAY AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	1	604					11	3	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		20,433.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	41,000	53,100		
Improvements:	129,910	166,290		
Total:	170,910	219,390	203,230	219,390
Preferential Land:	0	0	0	0

Transfer Information

Seller: ROMADKA ROBERT J		**Date:** 07/06/2006	**Price:** $125,000
Type: UNIMPROVED ARMS-LENGTH		**Deed1:** /24130/ 60	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

RE: PETITION FOR VARIANCE 1216 Back River Neck Road; W/S Back River Neck Road, 610' S of Bay Avenue 15th Election & 6th Councilmanic Districts Legal Owner(s): John & Michelle Killian Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 08-165-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

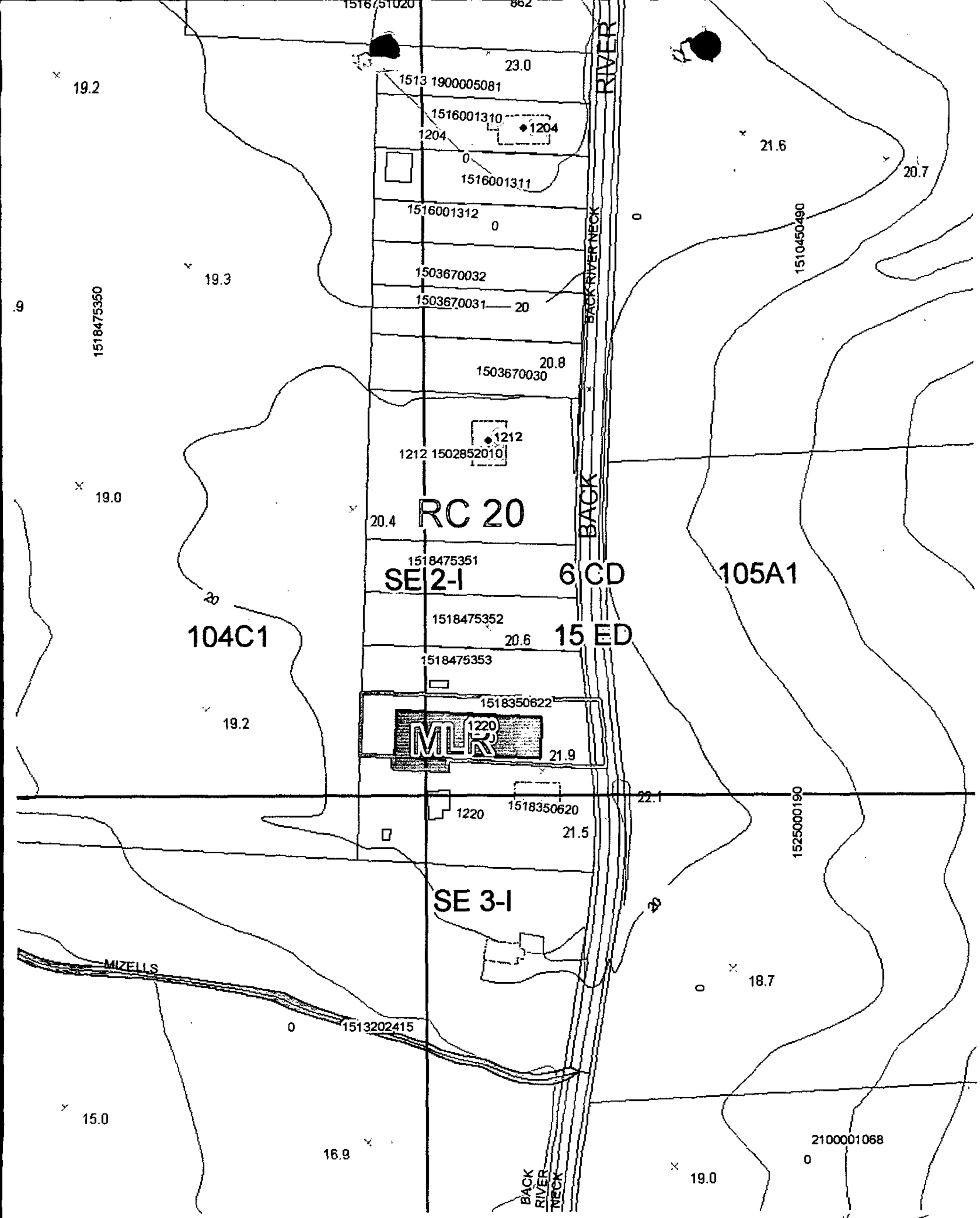
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to, John & Michelle Killian, 1216 Back River Neck Road, Essex, MD 21221, Petitioner(s).

RECEIVED
OCT 15 2007
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County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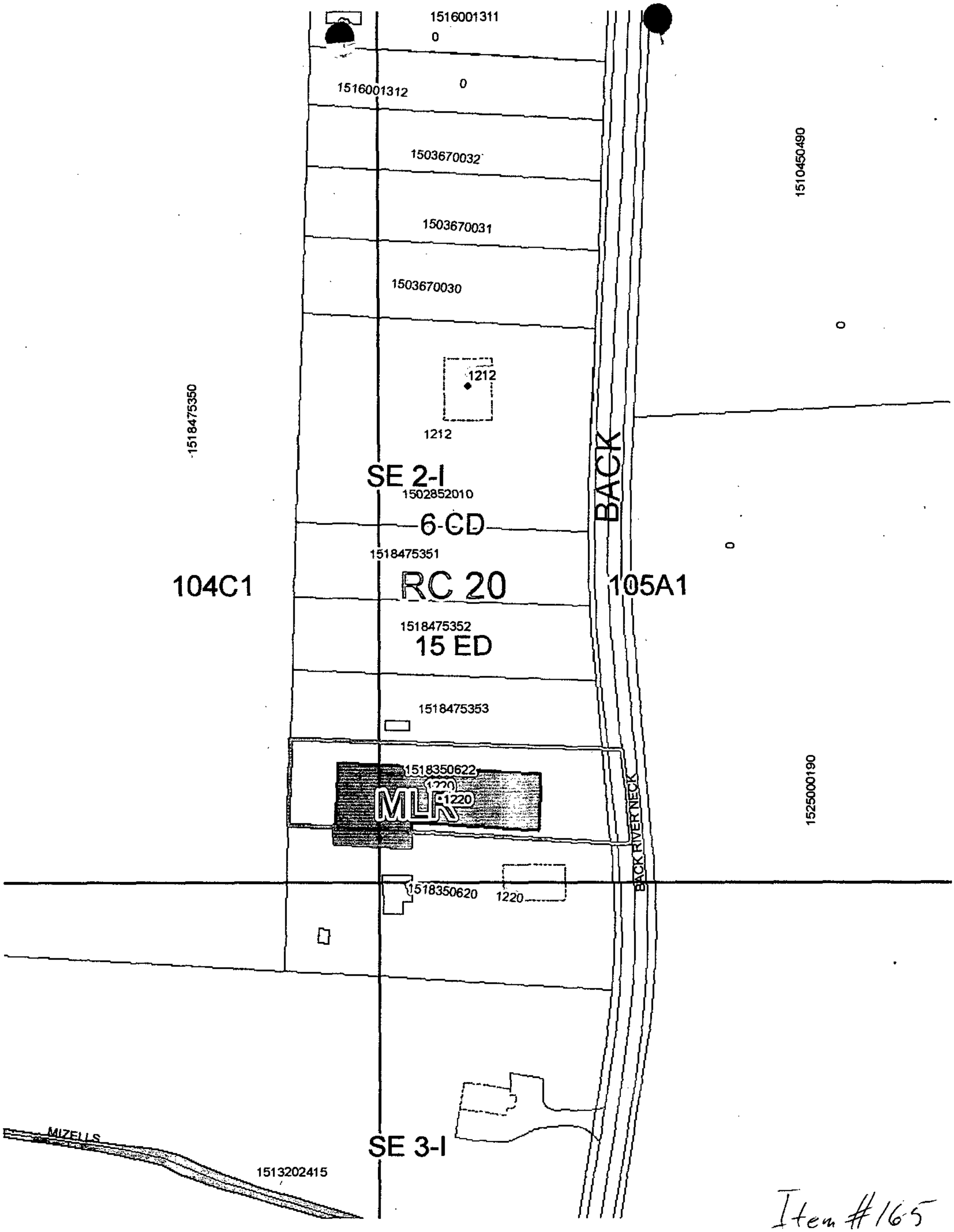
BACK RIVER NECK
BACK RIVER

Item #165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104C1
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BACK RIVER NECK
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1220
MIZELLS
SE 3-I
1513202415

Item #165

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 07-5982

1216 Back River Neck Road

ZONING CASE: 08-165-A
1216 Back River Neck Road

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: November 8, 2007

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

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

SUBJECT: Item No.: 165
Legal Owner/Petitioner: John David and Michelle Killiam
Contract Purchaser:
Property Address: 1216 Back River Neck Road
Location Description: West side Back River Neck Road, 610 feet south of Bay Avenue.

VIOLATION INFORMATION: **Case No.: 07-5982**
Defendants: John David and Michelle Killiam

Please be advised that the aforementioned petition is the subject of an active violation case.

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
State Tax Assessment printout
Correction Notice/Code Violation Notice
Photographs
Citation
Other: Data Entry Form

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: Chip Raynor

May 17, 2007

To Whom It May Concern:

I have some concerns that I would like addressed:

1. There are 2 properties in our neighborhood that are not cutting their lawn and their grass is currently at least 2 feet high. The first address is 2401 Barrison Point Road and the other property is located next door to 2501 Barrison Point Road. There seems to be an ongoing problem with cutting their grass. I do not believe they live there year round and only come to the house occasionally.

2. Vehicles parked on Barrison Point Road – Cars and Trucks are parking on the actual road as if they are parking spaces; there is no shoulder to the road and at times it is very hard to get by. This problem seems to be increasing more and more.

3. There needs to be a yellow line down the center of Barrison Point Road all the way down to Island View Road with the white lines marking the ends of the road (this may help with the parking problem). Currently the line stops at Rocky Point Park entrance. Many people visit the restaurant and are not familiar with the area and drive straight down the center of the road and with the curves and increase traffic there have been many close calls of head on collisions.

4. I also have concern about a new house that was just built at 1216 Back River Neck Road and their shed is located in their front yard. I thought Baltimore County did not allow sheds in your front yard.

I will also be sending a copy of this letter to Councilman Bartenfelder

Thank you for addressing my concerns.

07-5982
Raymer
5/17/07

PDM Enforce - Web-Code Enforcement Complaint

From: <webform@baltimorecountymd.gov>
To: <pdmenforce@baltimorecountymd.gov>
Date: 05/07/07 3:18 PM
Subject: Web-Code Enforcement Complaint

Complaint Location: 1216 Back River Neck Road

Complaint Location Zip Code: 21221 ??

Description of Problem: The owners of 1216 Back River Neck Road has constructed a shed on the front yard area. It my understanding that code makes the sheds put in the rear of the property instead of current location. I am not sure if they had a permit to even construct the shed and alter the county location for sheds.

Email:

Name:

Address:

Zip Code:

Home Phone Number:

Work Phone Number:

Additional Information:

RA1001B

DATE: 05/09/2007 STANDARD ASSESSMENT INQUIRY (1)

TIME: 12:45:33

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
25 00 000147	15	3-0	04-00	N	NO		04/18/07

KILLIAN JOHN DAVID
KILLIAN MICHELLE
54 HARDWOOD DR

DESC-1.. IMPS0.469 AC LTS11,12
DESC-2.. 1540 FT S OF BAY AVE
PREMISE. 01216 BACK RIVER NECK RD
00000-0000

BALTIMORE MD 21237-3348 FORMER OWNER: ROMADKA ROBERT J

	FCV PRIOR	FCV PROPOSED		PHASED IN CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	41,000	53,100				
IMPV:	129,910	166,290	TOTAL..	203,230	203,230	45,033
TOTL:	170,910	219,390	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	07/06	04/07				

TAXABLE BASIS		FM DATE
ASSESS:	203,230	04/04/07
ASSESS:	45,033	
ASSESS:	0	

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

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement:	410-887-3351	Plumbing Inspection:	410-887-3620
Building Inspection:	410-887-3953	Electrical Inspection:	410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No.	Zoning:
07-5982	2500000147	Res

Name(s): John David Killian
Michelle Killian

Address: 54 Hardwood Dr., 21237

Violation Location: 1216 Back River Neck Rd, 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCZR: 101, 102.1, 1B01.1, 400, BCC: 35-2-301

- Failure to obtain a permit for Shed / Accessory Structure
- Shed Location is to be in the Rear of the property.

Please Make Corrections by 6/1/07

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
6/1/07	5/11/07

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Clo Raymond

INSPECTOR: [signature]

STOP WORK NOTICE

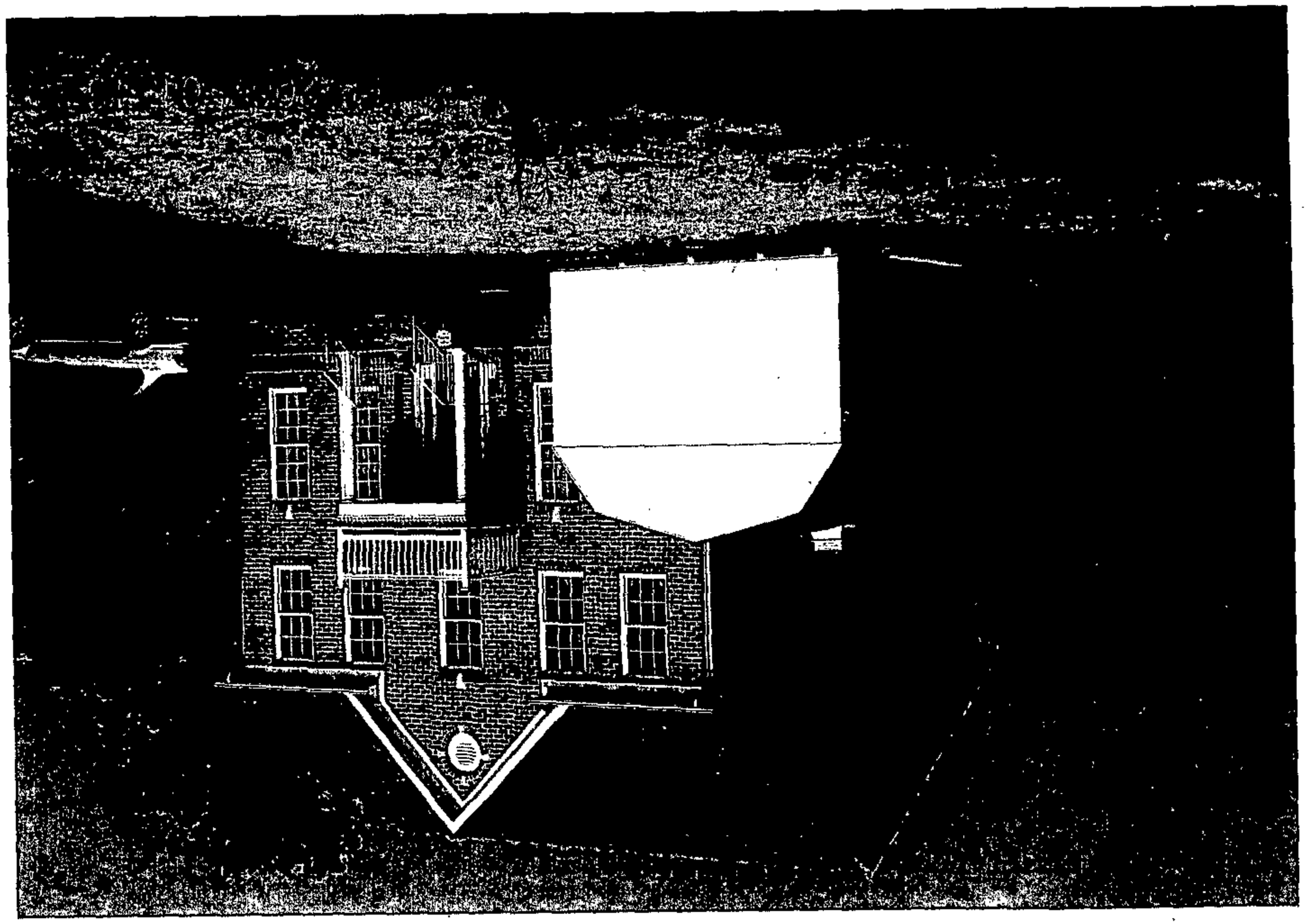
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:

INSPECTOR NAME: _____
(PRINT NAME)

Copy Distribution: White: Agency Yellow: Violation Site Pink: Defendant Goldenrod: Remains in Book

Rev: 5/05



67-5982

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm
111 West Chesapeake Ave.
Towson, Maryland 21204

Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3896

CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER	PROPERTY TAX ID	ZONE
07-5982	2500000147	RCS

NAME(S): John David Killian
Michelle Killian

MAILING ADDRESS: 54 Hardwood Rd

CITY	STATE	ZIP CODE
Balto	MD	21237

VIOLATION ADDRESS: 1216 Back River Neck Rd.

CITY	STATE	ZIP CODE
Balto	MARYLAND	21221

VIOLATION DATES: 5/10/07 — 8/9/07

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCZR: 101, 1021, 1B01.1, 400
BCC: 35-2-301

Failure to Comply w/correction Notice, Relocate Shed to Rear of property

* To Avoid this Lawsuit date, Relocate Shed by Aug. 6th

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated: $ 5000.00

A quasi-judicial hearing has been pre-scheduled in room 116, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for:

DATE: 8/9/07

TIME: 9:00 A.M. / P.M.

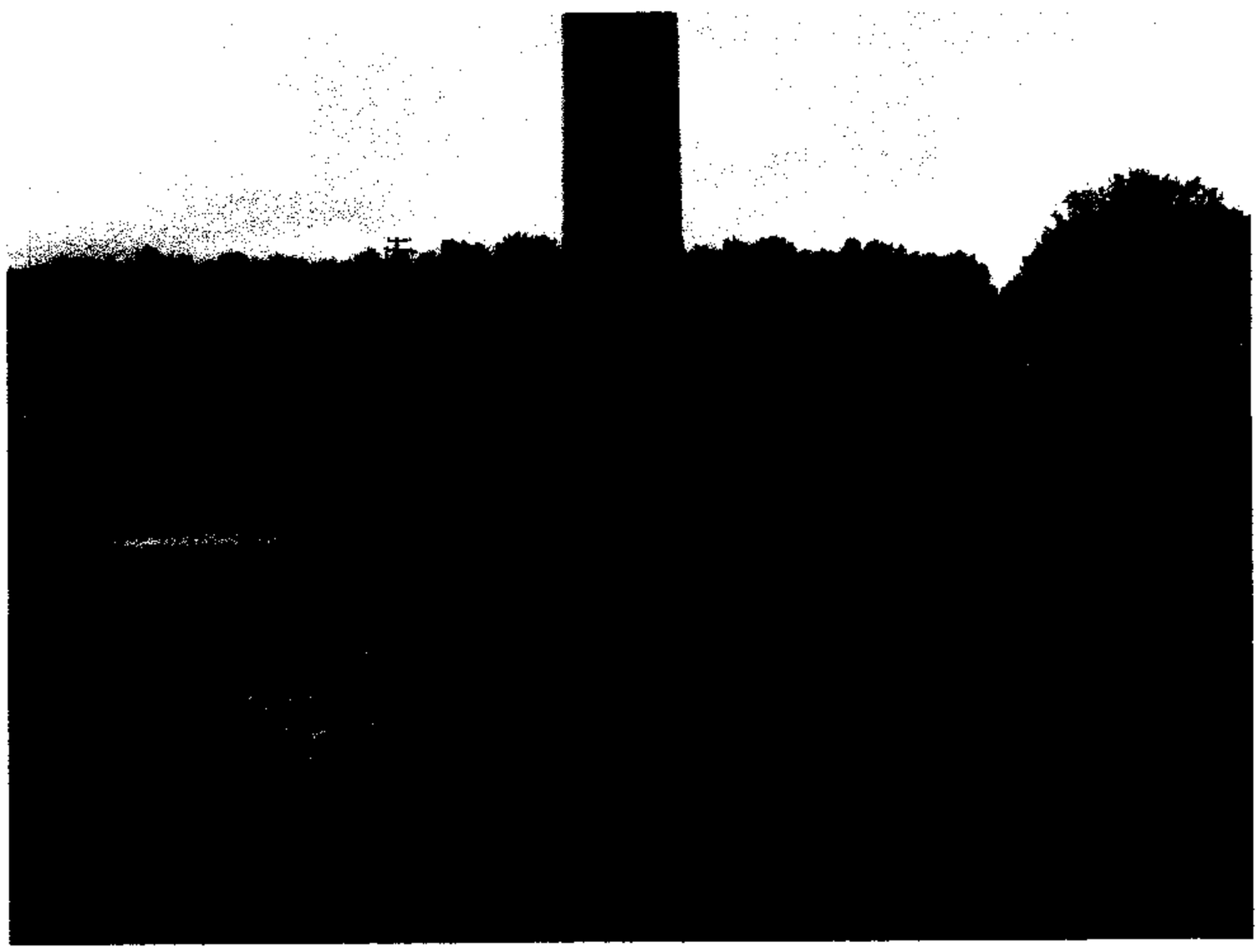
I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: C. Raynor

INSPECTOR SIGNATURE: [signature] Date: 7/12/07

PRINT NAME AGENCY

INSIDE VIEW OUT FRONT DOOR



FRONT PORCH VIEW

LEFT REAR VIEW

RIGHT REAR VIEW

1123 MAPLE RD.
ESSEX, MD 21221

2112 SILVER LN.
ESSEX, MD 21221

PETITIONER'S

EXHIBIT NO. 5