

**IN RE: PETITION FOR VARIANCE**

N side of Riverside Road, 666 feet  
W of Poplar Road  
15<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(138 Riverside Road)**

John Icenroad  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 08-219-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, John Icenroad. Petitioner is requesting variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (existing garage) with a height of 20 feet in lieu of the maximum allowed 15 feet. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner John Icenroad and Timothy P. Knepp, Esquire, attorney for Petitioner. There were no Protestants or other interested persons in attendance at the hearing.

This matter is currently the subject of an active violation case (Case No. 07-8712) in the Division of Code Inspections and Enforcement. A citation for code violation was issued on July 23, 2007 for failure to obtain a building permit before building the garage. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to issue Correction Notices and Citations, and to impose fines and other penalties for violation of law. On the other hand, the role of this office in this matter is to decide the

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discreet legal issue of whether Petitioner is entitled to the requested variance relief pertaining to the subject property.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property containing approximately .38 acre, more or less, zoned D.R.5.5. The property is located on the north side of Riverside Road west of Mace Avenue in the Back River Highlands subdivision in the Essex area of Baltimore County. The property is approximately 83 feet wide by 200 feet deep, and is improved with Petitioner's existing two-story single-family dwelling located at the southwest corner of the property, approximately 10 feet from the west and 40 feet from the south ends of the property. Petitioner has already performed substantial construction on the structure which is the subject of the petition -- an approximately 17 foot by 48 foot garage centered approximately 10 feet from the northern end of the property. The garage stands approximately 20 feet in height and has a front bump out in the middle of the second story of the structure. A photograph of the garage produced by Petitioner was marked and accepted into evidence as Petitioner's Exhibit 2.

Petitioner at one time lived at 144 Riverside Road for 35 years before moving approximately two years ago to the subject property. Petitioner's friends and family surround his property as his brother currently resides at 142 Riverside Road, and his close friend Jim Kaetzel lives at 140 Riverside Road. Petitioner indicated that the reason he decided to build the garage is that he needs space to store various large items that he owns, including a trailer with two jet skis, an antique speedboat, a Corvette convertible, and a Saab convertible. Without a large garage, it will be necessary to keep these possessions outside on Petitioner's property, which will not be visually appealing. Moreover, there is insufficient space to store items in Petitioner's house since the small storage area in the basement has repeatedly flooded after heavy rainstorms.

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Further testimony revealed that attaching a garage of this magnitude to the existing dwelling is not practical or feasible. The separate location actually places the garage further from the surrounding dwellings, and does not detract from the structure and appearance of Petitioner's home or the surrounding locale. The evidence showed that there was a previous garage on approximately the same footprint as the proposed structure. The proposed structure, which is already under construction, while bigger than the garages of the surrounding homes, is being constructed in a manner that blends in with garages throughout the community. In addition, while a number of surrounding lots are 50 feet in width, Petitioner's lot is akin to a "double" lot, measuring 83 feet in width. Petitioner has spent approximately \$6,000.00 to construct the garage, and has improved the structure by building with a six inch layer of concrete instead of the one inch of concrete that was used in the old structure.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated December 11, 2007, which indicates that it does not oppose Petitioner's request. The comments indicate that the accessory structure may not be converted into a dwelling unit or apartment, may not contain any sleeping quarters, living area, kitchen or bathroom facilities, and may not be used for commercial purposes. In addition, the comments request installation of a dense evergreen screen along the rear wall of the garage adjacent to the neighboring residential lots.

Considering all of the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request. The area in question consists of a tight knit group of Petitioner's family and friends that have voiced no objection to the construction of the garage. Petitioner owns numerous large items that would be stored on the property in plain view if a sizeable garage were not constructed. Thus, the existing structure actually improves the appearance of the surrounding neighborhood by

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PM

storing Petitioner's possessions in an organized fashion, and the garage is more structurally sound since Petitioner used a thicker layer of concrete to form the foundation. If the garage cannot be built in excess of the 15-foot maximum imposed by Section 400.3 of the B.C.Z.R., then Petitioner will not be able to store his large possessions.

I also find that the imposition of zoning ordinances disproportionately impacts the subject property as compared to others in the zoning district. The layout of the existing home does not lend itself to an attached addition, and the only way for Petitioner to construct a storage space large enough for his possessions is to build a separate structure. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship since Petitioner would not be able to fit the trailers for his antique speedboat and jet skis in the garage if it is not built to a height greater than the 15-foot maximum specified in Section 400.3. Also, Petitioner has spent a considerable amount of money building a structurally sound garage that appears similar to surrounding structures and blends in with the existing neighborhood. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The subject property is in an established neighborhood in Essex where Petitioner has lived for almost 40 years and is currently surrounded by friends and family. None of the adjacent property owners voiced any objection to the request and there was no evidence that the addition will have any detrimental impacts on the health, safety, or general welfare of the surrounding locale. Thus, I am persuaded that the request meets the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

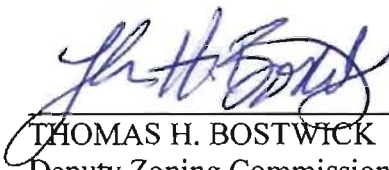
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be granted.

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THEREFORE, IT IS ORDERED this 25<sup>th</sup> day of February 2008, by this Deputy Zoning Commissioner, that Petitioner's variance request from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (existing garage) with a height of 20 feet in lieu of the maximum allowed 15 feet is hereby GRANTED subject to the following:

1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. Petitioner shall provide a dense evergreen screen along the rear wall of the garage adjacent to the neighboring residential lots. This will reduce the impact of the mass of the rear wall on the homes on Poplar Road.
5. Petitioner shall install two operating windows side by side in the front bump out of the second floor of the garage to limit the visual impact of the bump out and the siding.

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

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2-25-08  
p3



TAX. ACCOUNT # 1002673200

# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 138 Riverside Rd. 21221  
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3, BC2R, to permit an existing accessory

building (existing garage) with a height of 20 feet in lieu of the maximum allowed 15 feet

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:

Not Applicable  
Name - Type or Print  
Signature  
Address Telephone No.  
City State Zip Code

## Attorney For Petitioner:

Timothy P. Knepp  
Name - Type or Print  
Signature  
Company  
P.O. Box 34019 (410) 686-5151  
Address Telephone No.  
Baltimore, Maryland 21221  
City State Zip Code

## Legal Owner(s):

John Icenroad  
Name - Type or Print  
John Icenroad  
Signature  
Name - Type or Print  
Signature  
138 Riverside Road 443-621-8252  
Address Telephone No.  
Baltimore, Maryland 21221  
City State Zip Code

## Representative to be Contacted:

Timothy P. Knepp  
Name  
P.O. Box 34019 (410) 686-5151  
Address Telephone No.  
Baltimore, Maryland 21221  
City State Zip Code

## OFFICE USE ONLY

Case No. 08-219-A

REV 9/15/98

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By NP

Date 11/8/07

November 1, 2007

I used to store personal items in the basement of my home; however, during the last major hurricane my basement flooded which damaged all of the items I stored in the basement. Also, whenever we have three hard days of rain my basement gets a lot of water in it so that I can no longer use it for storage. I want to move all of my storage items to the garage. There is not enough storage remaining in my house.

I made the pitch of the roof slightly steeper to keep out the water when it rains.

I own a trailer with two jet-skis on it and a trailer with a jet boat on it. I also have a show car which I keep on a trailer. These three items should be stored in the garage instead of outside on my lawn. I want to store these items in my garage by backing them in and leaving the jet-skies and jet boat and show car on the trailer. I need additional height for this. I also keep my personal car which is a SAAB Convertible in the garage. The doors of the garage are 10' tall and need a little extra height to open.

I like to put everything in my garage to make the yard and neighborhood look much better. The garage is built on existing footers which held an old garage which was in extremely poor shape.

Attaching this garage to the existing house is not practical because the garage is sitting 48 feet across the width of the property and would make the house appear most odd in shape. The house would become excessively long compared to the width of the property. It also would be poor use of space and design. The garage looks much better in appearance where it is presently built and fits better on the property site and complements the rest of the neighborhood.

08-219-A

## Zoning Description

### ZONING DESCRIPTION FOR 138 Riverside Road

Beginning at a point on the north side of

Riverside Road which is 50 feet

wide at the distance of 666 west of the

centerline of the nearest improved intersecting street Poplar Road

which is 50 feet wide. Being Lot # 25 & 26,

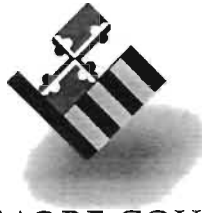
Block \_\_\_\_\_, Section # G in the subdivision of Back River Highlands

As recorded in Baltimore County Plat Book # 4, Folio # 64 & 65,

Containing 16,600 square feet. Also known as 138 Riverside Road

And located in the 15 th Election District, 7 th Councilmanic District.

08-219-A



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

February 25, 2008

TIMOTHY P. KNEPP, ESQUIRE  
PO BOX 34019  
BALTIMORE MD 21221

Re: Petition for Variance  
Case No. 08-219-A  
Property: 138 Riverside Road

Dear Mr. Knepp:

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

c: John Icenroad, 138 Riverside Road, Baltimore MD 21221

**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: # 08-219-A**  
138 Riverside Road  
N/side of Riverside  
Road, 666 feet west of  
Poplar Road  
15th Election District  
7th Councilmanic District  
Legal Owner(s): John  
Icenroad

**Variance:** to permit an existing accessory building (existing garage) with a height of 20 feet in lieu of the maximum allowed 15 feet.

**Hearing:** Thursday, January 17, 2008 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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 1/602 Jan. 1 159276

## CERTIFICATE OF PUBLICATION

1/3/, 2008

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 1/1/, 2008.

- ☒ 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. **87624**

Date: 11/13/07

**PAID RECEIPT**

BUSINESS ACTUAL TIME WFM  
 11/13/2007 11/20/2007 14:34:35 4  
 DESK M MEXCN PCHN JON  
 3-RECEIPT # 87624 11/08/2007 06:11  
 5 528 30000 VERIFICATION  
 007624  
 Recpt Tot \$65.00  
 \$65.00 OK \$ 00 TA  
 Baltimore County Maryland

| Fund | Agcy | Orgn | Sub<br>Orgn | Rev<br>Source | Sub<br>Rev | Rept<br>Catg | BS<br>Acct | Amount |
|------|------|------|-------------|---------------|------------|--------------|------------|--------|
| 0001 | 006  |      |             | 4-10          |            |              |            | 65.00  |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |

Total: 65.00

Rec From: Timothy P. Knepp  
 For: Variance - 138 Riverside Road  
09-119-A (Greenroad)

**DISTRIBUTION**  
 WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

RE: Case No.: 08-219-A

**Petitioner/Developer:** JOHN

ICENROFD

**Date of Hearing/Closing:** 1-17-08

**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: \_\_\_\_\_**

138 RIVERSIDE ROAD

The sign(s) were posted on 12-30-07  
(Month, Day, Year)

**Sincerely,**

R. J. Black 1-2-08  
(Signature of Sign Poster) (Date)

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

~~(410)~~ 282-7940

(Telephone Number)



**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 08-219-A  
Petitioner: John Icenroad  
Address or Location: 138 Riverside Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy P. Knepp  
Address: P.O. B 34019  
106 N. Marilyn Ave  
Baltimore MD 21221  
Telephone Number: 410 686-5151

Director's Office  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Tel: 410-887-3353 • Fax: 410-887-5708



*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

December 10, 2007

## **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: 08-219-A**

138 Riverside Road  
N/side of Riverside Road, 666 feet west of Poplar Road  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: John Icenroad

Variance to permit an existing accessory building (existing garage) with a height of 20 feet in lieu of the maximum allowed 15 feet.

Hearing: Thursday, January 17, 2008 at 9:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Timothy Knepp, P.O. Box 34019, Baltimore 21221  
John Icenroad, 138 Riverside Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 2, 2008.**
- (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.

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



TO: PATUXENT PUBLISHING COMPANY  
Tuesday, January 1, 2008 Issue - Jeffersonian

Please forward billing to:

Timothy Knepp  
P.O. Box 34019  
106 N. Marlyn Avenue  
Baltimore, MD 21221

410-686-5151

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## NOTICE OF ZONING HEARING

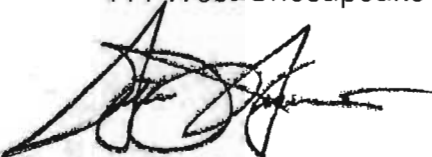
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N/side of Riverside Road, 666 feet west of Poplar Road  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: John Icenroad

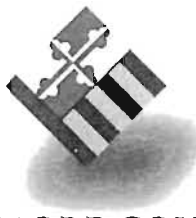
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WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- 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**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

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

January 9, 2008

Timothy P. Knepp  
P.O. Box 34019  
Baltimore, MD 21221

Dear Mr. Knepp:

RE: Case Number: 08-219-A, 138 Riverside Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 8, 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  
John Icenroad 138 Riverside Road Baltimore 21221

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** December 11, 2007

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

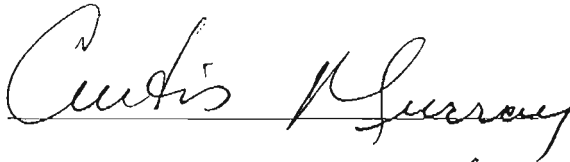
**SUBJECT:** 8-219-Variance

The Office of Planning does not oppose the petitioner's request to permit an existing accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall **not** convert the **subject** accessory structure into a dwelling unit or apartment. The structure shall not contain **any** sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Provide a **dense** evergreen screen along the rear wall of the garage adjacent to the neighboring residential lots. This will reduce **the** impact of the mass of the rear wall on the homes on Poplar Road.

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

Prepared by:



Section Chief:



AFK/LL: CM

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** November 28, 2007

**FROM:** Dennis A. Kennedy, Supervisor <sup>DAK</sup>  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 3, 2007  
Item Nos. 08-219, 220, 225, 226, 227, 228,  
229, 230, 232, 233, and 234

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-11282007.doc



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

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

Maryland Department of Transportation

Date: Nov. 26, 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. 8-219-A  
138 RIVERSIDE ROAD  
ICENROD 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. 8-219-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,

  
Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB



**Baltimore County  
Fire Department**

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

County Office Building, Room 111  
, 2007  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 217,218,219,220,222,224,225,226,227,228,229,232

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



Printed with Soybean Ink  
on Recycled Paper

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** December 11, 2007

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

RECEIVED  
DEC 26 2007

BY:.....

**SUBJECT: 8-219-Variance**

The Office of Planning does not oppose the petitioner's request to permit an existing accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Provide a dense evergreen screen along the rear wall of the garage adjacent to the neighboring residential lots. This will reduce the impact of the mass of the rear wall on the homes on Poplar Road.

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

Prepared by:

*Curtis R. Gurray*

Section Chief:

*John Alexander*

AFK/LL: CM

RE: PETITION FOR VARIANCE \* BEFORE THE  
138 Riverside Road; N/S Riverside Road, \*  
666' W of Poplar Road \* ZONING COMMISSIONER  
15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): John Icenroad \* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 08-219-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 29th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed to, Timothy Knepp, Esquire, P.O. Box 34019, Baltimore, MD 21221, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

RECEIVED

NOV 25 2007

Per.....

**DIVISION OF CODE INSPECTIONS AND ENFORCEMENT**

**ACTIVE VIOLATION CASE DOCUMENTS**

BALTIMORE COUNTY MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: December 6, 2007

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

FROM: Rick Wisnom, Chief  
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 219  
Legal Owner/Petitioner Icenroad, John  
Contract Purchaser: N/A  
Property Address: 138 Riverside Rd  
Location Description: N/side of Riverside Rd. 666' W./Poplar Rd

VIOLATION INFORMATION: Case No. 07-8712  
Defendants: Icenroad, John

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:

| NAME | ADDRESS |
|------|---------|
|------|---------|

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:

- |                          |     |                                                                                                                                   |
|--------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------|
| X                        | 1.  | Complaint letter/memo/email/fax (if applicable)                                                                                   |
| X                        | 2.  | Complaint Intake Form/Code Enforcement Officer's report and notes                                                                 |
| X                        | 3.  | State Tax Assessment printout                                                                                                     |
| <input type="checkbox"/> | 4.  | State Tax Parcel Map (if applicable)                                                                                              |
| <input type="checkbox"/> | 5.  | MVA Registration printout (if applicable)                                                                                         |
| <input type="checkbox"/> | 6.  | Deed (if applicable)                                                                                                              |
| <input type="checkbox"/> | 7.  | Lease-Residential or Commercial (if applicable)                                                                                   |
| <input type="checkbox"/> | 8.  | Photographs including dates taken                                                                                                 |
| X                        | 9.  | Correction Notice/Code Violation Notice                                                                                           |
| <input type="checkbox"/> | 10. | Citation and Proof of Service (if applicable)                                                                                     |
| <input type="checkbox"/> | 11. | Certified Mail Receipt (if applicable)                                                                                            |
| <input type="checkbox"/> | 12. | Final Order of the Code Official/Hearing Officer (if applicable)                                                                  |
| <input type="checkbox"/> | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)                                                     |
| <input type="checkbox"/> | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/ee  
C: Code Enforcement Officer



Baltimore County  
Department of Permits and  
Development Management

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

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

|                                     |                                     |         |
|-------------------------------------|-------------------------------------|---------|
| Citation/Case No.<br><b>07-8712</b> | Property No.<br><b>15-02-571200</b> | Zoning: |
| Name(s):<br><b>JOHN TENROAD</b>     |                                     |         |
| <b>138 Riverside Rd.</b>            |                                     |         |
| Address:<br><b>2121</b>             |                                     |         |
| Violation Location:<br><b>Stue</b>  |                                     |         |

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

- ① Failure to obtain permit for (4) air garages in rear yard already started.
- ② Failure to get permit in allotted time will result in a \$200/day fine
- ③ Call if any questions 7:30-8:30 - 3:00 - 3:30

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

|               |              |
|---------------|--------------|
| On or Before: | Date Issued: |
|---------------|--------------|

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 |
|------------|

INSPECTOR:

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:

|               |              |
|---------------|--------------|
| On or Before: | Date Issued: |
|---------------|--------------|

INSPECTOR:

**7/20/07**  
**7/23/07**  
**Carol John**  
**ERROL Ecker**

AGENCY

# CODE ENFORCEMENT REPORT

DATE: 7/23/07 INTAKE BY: ? CASE #: 07-8712 INSPEC:

COMPLAINT LOCATION: 138 Riverside Rd

ZIP CODE:  DIST:

COMPLAINANT NAME: NONE PHONE #: (H)  (W)

ADDRESS:  ZIP CODE:

PROBLEM: NO FOOTERS FOR THIS BLDG

IS THIS A RENTAL UNIT? YES  NO   
IF YES, IS THIS SECTION 8? YES  NO   
OWNER/TENANT INFORMATION:

TAX ACCOUNT #:  ZONING:

INSPECTION: 7/23/07, Visited site, wrote sws for Garage w/o permit. Owner. John Scenroad (443-621-8252) called will file for variance for height (over 15') on 7/24/07, P/O 8/24/07  
REINSPECTION: Enoch

WB

REINSPECTION:

REINSPECTION:

DATE: 07/23/2007

STANDARD ASSESSMENT INQUIRY (1)

TIME: 07:44:25

| PROPERTY NO. | DIST | GROUP | CLASS | OCC. | HISTORIC | DEL | LOAD DATE |
|--------------|------|-------|-------|------|----------|-----|-----------|
| 15 02 572200 | 15   | 3-0   | 04-00 | H    | NO       |     | 04/18/07  |

ICENROAD JOHN

DESC-1.. IMPSLTS 25,26

DESC-2.. BACK RIVER HIGHLANDS

138 RIVERSIDE RD

PREMISE. 00138 RIVERSIDE

RD

00000-0000

BALTIMORE

MD 21221-6629 FORMER OWNER: KAETZEL JAMES

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

|       | PRIOR   | PROPOSED |         | CURR    | CURR    | PRIOR   |
|-------|---------|----------|---------|---------|---------|---------|
| LAND: | 33,500  | 57,500   |         | FCV     | ASSESS  | ASSESS  |
| IMPV: | 69,380  | 101,520  | TOTAL.. | 140,306 | 140,306 | 121,593 |
| TOTL: | 102,880 | 159,020  | PREF... | 0       | 0       | 0       |
| PREF: | 0       | 0        | CURT... | 140,306 | 140,306 | 0       |
| CURT: | 102,880 | 159,020  | EXEMPT. |         | 0       | 0       |
| DATE: | 09/02   | 06/05    |         |         |         |         |

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

ASSESS: 140,306 09/21/06

ASSESS: 121,593

ASSESS: 0

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

~~Rm G21~~Attn. Code Enforcement

07-8712

Please look into A 4 car Garage  
with second Floor. At

138 Riverside Rd  
Essex Md 21221

No Footers were used on this  
2 story Building

CASE NAME \_\_\_\_\_  
CASE NUMBER 08-219-A  
DATE 1-17-08

CASE NAME \_\_\_\_\_  
CASE NUMBER 08-219-A  
DATE 1-17-08

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐

PROPERTY ADDRESS 138 Riverside Road

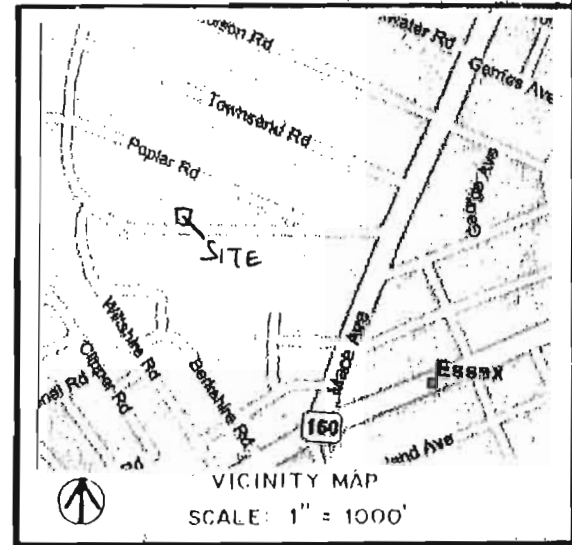
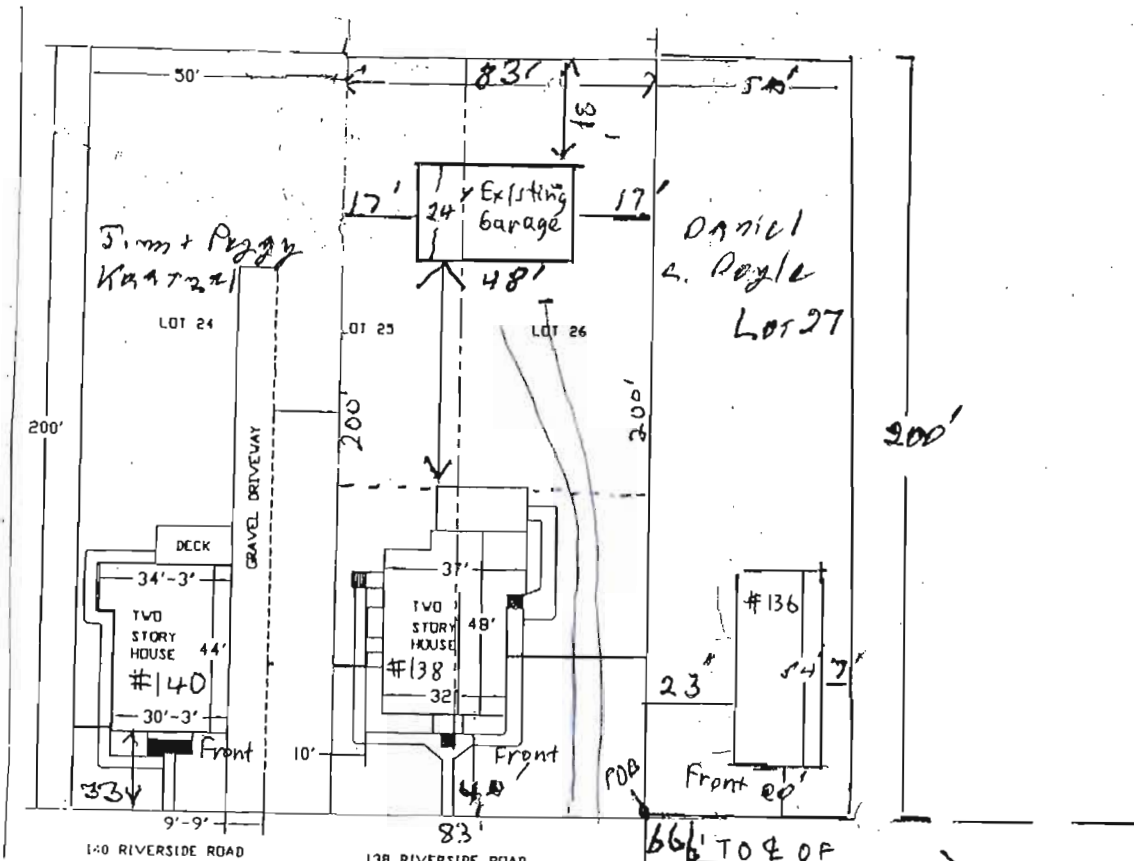
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Belt River Heights

PLAT BOOK # 4 FOLIO # 64 PART OF LOT # 25 SECTION # G

OWNER John Pearson

LOT 1



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A1

ZONING DR 5.5

LOT SIZE 138 ACREAGE 16,600 SQUARE FEET

|       |                                     |                          |
|-------|-------------------------------------|--------------------------|
|       | PUBLIC                              | PRIVATE                  |
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              |                          |                                     |
|------------------------------|--------------------------|-------------------------------------|
|                              | YES                      | NO                                  |
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                      |                          |                                     |
|----------------------|--------------------------|-------------------------------------|
|                      | YES                      | NO                                  |
| 100 YEAR FLOOD PLAIN | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                            |                          |                                     |
|----------------------------|--------------------------|-------------------------------------|
|                            | YES                      | NO                                  |
| HISTORIC PROPERTY/BUILDING | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

PRIOR ZONING HEARING None  
VIOLATION 1996 07-29-96

ZONING OFFICE USE ONLY  
REVIEWED BY JNP ITEM # 219 CASE # 08-219-A



PREPARED BY Tim Knepp

SCALE OF DRAWING: 1" = 50

ERSIDE

RIVERSIDE

097A-1  
NE 2-G

DR 5.5

SITE

15-ED

7-CD

P.B./FOLIO  
00406341

P.B./FOLIO  
046043

POPULAR

08-210

145

1502650070

144

1515150010

321

1503470711

139

1506201640

1508003340

142

1503470711

321

140

1507830160

1506201640

139

135

1502201960

1502572200

138

325

1511890480

327

1511770030

135

1502201960

1502201960

1502572200

138

1504501380

329

1512000010

135

1511670390

133

136

136

132

1800014005

1800014007

1511671450

131

331

331

130

130



PETITIONER'S

EXHIBIT NO.

2