

IN RE: **PETITION FOR ADMIN. VARIANCE** *

N/S Green Heather Court, 500' N of
Gardenview Road

(11 Green Heather Court)

3rd Election District

2nd Council District

David Michael Seibert

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-410-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, David M. Seibert. The Petitioner requests a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (detached garage) to remain in the front yard in lieu of being located in the required rear yard.¹ The subject property and requested relief are more particularly described on the site plan, which was submitted into evidence and marked as Petitioner's Exhibit 1.

This case was originally filed as an administrative variance, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner, based on the documentation contained in the file.

¹ As originally filed, the Petition included variance language that "a front setback of 14 feet in lieu of the required 75 feet (Section 1A04.3.B.2.b)" was needed. A review of the site plan (Petitioner's Exhibit 1) and photographs submitted clearly evidence this additional relief is neither required or appropriate in this case and was therefore struck from the Petition prior to the hearing.

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Date 5-21-08
By [Signature]

In this case, the Petitioner had filed the supporting affidavits as required by Section 32-3-303(a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no request for a public hearing, a decision could have been rendered based upon documentation contained within the case file. While no objections were received from neighbors, the case was set for public hearing by the Deputy Zoning Commissioner, *sua sponte* in view of the active violation case pending with the Division of Code Inspections and Enforcement (Case No. 07-7068). The matter was therefore scheduled for a public hearing, which was held on May 14, 2008.

Appearing at the hearing in support of the request were David M. Seibert, property owner, and Trish Troxell, a permit processor, assisting the Petitioner. Appearing as an interested neighbor was Barry H. Friedman, residing at 6 Green Heather Court, whose 3.72-acre parcel is adjacent to the subject property's southwestern boundary.

Testimony and evidence presented disclosed that the subject property is a large, irregular shaped parcel located on the north side of Green Heather Court between Park Heights (west side) and Stevenson Road (east side) in Pikesville. The property contains an area of 4.201 acres, more or less, split-zoned R.C.2 and R.C.5, and improved with a three-story home built into the side of a cliff. The Petitioner has owned and resided on the property since October 2006 and stated that he recently purchased the adjoining 7.0-acre parcel that borders the subject property on the western boundary and extends all the way to Park Heights Avenue. As shown on the site plan, a parking pad built out of timbers had been previously constructed into the side of a hill on the south side of Green Heather Road (aka Eccleston Station Road) in front of the home. In this regard, the home sits towards the rear of the property on the north side of Green Heather Road. Moreover, photographs – Petitioner's Exhibit 2 – show the rear yard is heavily wooded and surrounded by a steep drop-off or cliff with grades of 30% or better and thus, is virtually unusable for building purposes. The topography on this site is a very real issue.

Mr. Seibert testified that he desired to build a new garage 46' x 23' to enhance the use and enjoyment of his property. The existing parking pad location was the most practical as the

ORIGINAL RECEIVED FOR FILING
Date 5-21-08
By [signature]

garage could not be located in the side or rear yard given the site constraints associated with the property. The garage structure, like the home, is also built into the hill and as corroborated by the adjacent neighbor, Mr. Friedman, only the roof of the garage is visible. You can't see the garage structure from his or adjoining property owners in the area.

It is the garage which is the subject of the instant request. In this regard, the petition was filed as a result of Code Enforcement Officer Bob Peters noticing the structure being built without the benefit of a permit. Relief is requested as set forth above to allow the garage to remain in its present location. Its impact at this location is mitigated by the character of the existing home and surrounding topography as evidenced by photographs received as Petitioner's Exhibit 3. Mr. Friedman, appeared not in opposition to the garage location, but to place on the record that his septic system is in a region not far from the subject property's southwest corner and, therefore, not far from the garage that is shown as setback 14 feet from the property line. He wanted to make it clear that he (Friedman) did not wish to assume any responsibility in the event septic waste should leach out of his sewage disposal system which he thought would naturally flow towards the garage structure. Mr. Seibert agreed that while this concern was speculative in nature, he would assume such a risk and hold Mr. Friedman or his assigns harmless.

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 garage'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 severe that the Petitioner was not able to build a garage which he desired and the topography drives the need to locate the garage in the front yard. 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. It is not possible to compel the Petitioner to place the garage further back or in a side

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Date 5-21-08
By [Signature]

yard area and compliance with B.C.Z.R. Section 400.1 is not possible given these facts. The current placement of the garage is the most aesthetically desirable and I find the variance relief will not have adverse impacts on the surrounding community.

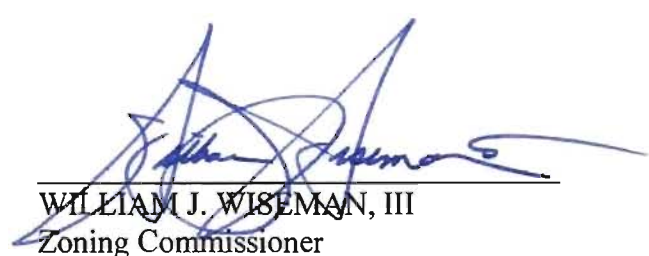
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of May 2008 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 (garage) to be located in front of the principal dwelling in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

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 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.

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

COPIES RECEIVED FOR FILING
Date 5-21-08
BY 123



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 GREEN HEATHER CT
which is presently zoned RC2/RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 TO ALLOW AN ACCESSORY

STRUCTURE IN A FRONT YARD IN LIEU OF THE REQUIRED REAR YARD
WITH A FRONT ~~35~~ SETBACK OF 14 FEET IN LIEU OF THE
REQUIRED 75 FEET (SECTION 1A04.3.B.2.b)

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:

David M Seibert
Name - Type or Print

[Signature]
Signature

11 GreenHeather Ct. 410-563-7549
Address Telephone No.

Baltimore MD 21208
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

David M Seibert
Name - Type or Print

[Signature]
Signature

Name - Type or Print

Signature

11 GreenHeather Ct. 410-563-7549
Address Telephone No.

Baltimore MD 21208
City State Zip Code

Representative to be Contacted:

Iris Traxell
Name

3242 Esther Place 410-563-7549
Address Telephone No.

Baltimore MD 21224
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. 08-410-A

Reviewed By CM Date 3-3-08

REV 10/25/01

ORDER RECEIVED FOR FILING

Estimated Posting Date 3-16-08

Date 5-21-08

By [Signature]

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

11 Green Heather Ct.
Address
Baltimore MD 21208
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 rear of the property is a sloping hill preventing a garage from being placed at the rear of the property.

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

David M. Seibert
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of February, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David M. Seibert

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Patricia E. Troxell
Notary Public

My Commission Expires 11/01/10

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.

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Address
Baltimore MD 21208
City State Zip Code

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preventing a garage from being placed at
the rear of the property.

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[Signature]
Signature

David M. Scibert
Name - Type or Print

[Signature]
Signature

[Name]
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of February, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David M. Scibert
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 11/01/10



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 GREEN HEATHER CT
which is presently zoned RC2/RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 TO ALLOW AN ACCESSORY

STRUCTURE IN A FRONT YARD IN LIEU OF THE REQUIRED REAR YARD
WITH A FRONT SETBACK OF 14 FEET IN LIEU OF THE
REQUIRED 75 FEET (SECTION 1A04.3.B.2.6)

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:

David M Seibert
Name - Type or Print

Signature

11 Green Heather Ct 410-533-7549
Address Telephone No.

Baltimore MD 21208
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

David M Seibert
Name - Type or Print

Signature

Name - Type or Print

Signature

11 Green Heather Ct 410-533-7549
Address Telephone No.

Baltimore MD 21208
City State Zip Code

Representative to be Contacted:

Irish Trokel
Name

3242 Esther Place 410-533-7549
Address Telephone No.

Baltimore MD 21224
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 5 day of March, 2008, 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.

08-410-A

Reviewed By CM

Date 3-3-08

REV 10/25/01

Date 5-21-08

Estimated Posting Date

3-16-08

By ISW

ZONING DESCRIPTION FOR 11 Green Heather Court

Beginning at a point on the north side of Green Heather Court
which is 50' wide at the distance of 500' North of the centerline of
the nearest intersecting street Gardenvue Road which is 50' wide.
Being Lot #15, Block , Section # in the
subdivision of Gardenvue as recorded in Baltimore County Plat
Book #50, Folio #116 containing 4.201 acres. Also known as 11
Green Heather Court and located in the 03 Election District,
Councilmanic District.

DB-410-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11120**

Date: **3-3-08**

PAID RECEIPT

BUSINESS ACTUAL TIME W/M
 3/04/2008 3/03/2008 15:43:02 2
 505 WALKIN DOOL DRD
 RECEIPT # 435697 3/03/2008 OPLH
 5 528 ZONING VERIFICATION
 011120
 Recpt Tot 465.00
 465.00 CR 1.00 CR
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		001		650				65.00

Total: **65.00**

Rec
 From: **TRIM TRIM**
 For: **11 GREEN HEDGECOCK CT**
21708
AD Walk 68-416-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**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: #08-410-A

11 Green Heather Court

N/side of Green Heather Court, 500 feet north of
Gardenview Road

3rd Election District - 2nd Councilmatic District

Legal Owner(s): David Seibert

Variance: to allow an accessory structure in a front yard
in lieu of the required rear yard with a front setback of 14
feet in lieu of the required 75 feet.

Hearing: Wednesday, May 14, 2008 at 10:00 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 Com-
missioner'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/4869 Apr. 29

171529

CERTIFICATE OF PUBLICATION

5/1/2008

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 4/29/2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-410-A

Petitioner/Developer: DAVID

SEIBERT

Date of Hearing/Closing: 4-14-08

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:

11 GREEN HEATHER CT

The sign(s) were posted on 3-30-08
(Month, Day, Year)

Sincerely,

Robert Black 3-31-08
(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)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 410 -A Address 11 GREEN HEATHER CTContact Person: CRAIG McGRAN Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 3-3-08 Posting Date: 3-16-08 Closing Date: 3-31-08

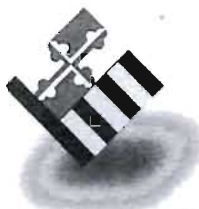
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

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- 410 -A Address 11 GREEN HEATHER CT
Petitioner's Name DAVID SEIBERT Telephone 410-563-7549
Posting Date: 3-16-08 Closing Date: 3-31-08Wording for Sign: To Permit AN ACCESSORY STRUCTURE IN THE FRONT
YARD IN LIEU OF THE REAR YARD WITH A FRONT
SETBACK OF 14 FEET IN LIEU OF THE REQUIRED 75 FEET

WCR - Revised 6/25/04



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 14, 2008
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: 08-410-A

11 Green Heather Court

N/side of Green Heather Court, 500 feet north of Gardenview Road

3rd Election District – 2nd Councilmanic District

Legal Owners: David Seibert

Variance to allow an accessory structure in a front yard in lieu of the required rear yard with a front setback of 14 feet in lieu of the required 75 feet.

Hearing: Wednesday, May 14, 2008 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Seibert, 11 Green Heather Court, Baltimore 21208
Trish Troxell, 3242 Esther Place, Baltimore 21224

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 29, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 29, 2008 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 08-410-A

11 Green Heather Court

N/side of Green Heather Court, 500 feet north of Gardenvue Road
3rd

Election District – 2nd Councilmanic District

Legal Owners: David Seibert

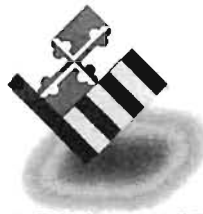
Variance to allow an accessory structure in a front yard in lieu of the required rear yard with a front setback of 14 feet in lieu of the required 75 feet.

Hearing: Wednesday, May 14, 2008 at 10:00 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 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

April 7, 2008

David M. Seibert
11 Green Heather Court
Baltimore, MD 21208

Dear Mr. Seibert:

RE: Case Number: 08-410-A, 11 Green Heather Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 3, 2008. 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
Trish Troxell 3242 Esther Place Baltimore 21224

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 17 2008
Item Nos. 08-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: MARCH 12, 2008

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

RE: Baltimore County
Item No. B-410-A
11 GREEN HEATHER COURT
SELBERT 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. B-410-A.

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

Very truly yours,

^{For} Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 400,403,404,405,406,407,409, 410, 411,412,413,414,415,416 and 417

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.

1The 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

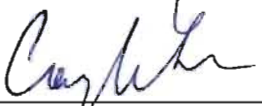
NOTE TO FILE

Sgt Black was not able to post the property on 3/16/08. New posting date is 3/30/08 with new closing date of 4/14/08. Sgt Black stated he spoke with the petitioner, George Seibert, and he was satisfied with the new date.

Case No. 08-410-A
11 Green Heather Ct
Tax Account No. 19-00-010862
3rd Election District
2 Councilmanic District

Original posting Date 3/16/08
Original closing Date 3/31/08

New Posting Date 3/23/08
New Closing Date 4/07/08



Craig McGraw
Planner II

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 17, 2008

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

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

SUBJECT: Item No.: 410
Legal Owner/Petitioner: Seibert, David
Contract Purchaser: N/A
Property Address: 11 Green Heather Ct.
Location Description: N/side Green Heather St 500' N/Gardenview Rd

VIOLATION INFORMATION: Case No. 07-7068
Defendants: Seibert, David

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:

- | | | |
|-------------------------------------|-----|---|
| ☐ | 1. | Complaint letter/memo/email/fax (if applicable) |
| ☒ | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☐ | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☐ | 8. | Photographs including dates taken |
| ☒ | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 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/bp
C: Code Enforcement Officer

Entered NS **CODE ENFORCEMENT REPORT** PH

DATE: 12 / 10 / 07 INTAKE BY: Bob Peters CASE #: 07-7068 INSPEC: _____

COMPLAINT

LOCATION: 11 Green Heather Court

ZIP CODE: 21208 DIST: 03

COMPLAINANT

NAME: Bob Peters PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: Construct a car garage without permit

IS THIS A RENTAL UNIT? YES _____ NO ☒

IF YES, IS THIS SECTION 8? YES _____ NO ☒

OWNER/TENANT

INFORMATION: _____

TAX ACCOUNT #: 1900010862 ZONING: _____

INSPECTION: Drove by site & saw what appears to be new structure
No record of permit in County System. Correction notice to be mailed.
F/U date 12/21/07 Bob Peters PH

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

PH



Baltimore County
Department of Permits and
Development Management

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

Dist. 03

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. 07-7068	Property No. 1900010862	Zoning:
-------------------------------------	-----------------------------------	---------

Name(s): **David Seibert**

Address:

Violation Location: **11 Green Heather Ct. 21208**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

- **BCBC sec 105 BCC sec. 35-2-304**
Construct 4 car garage without permit

- **BCBC sec. 109**
Failure to call for required inspections

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

On or Before: 12/24/07	Date Issued: 12/10/07
----------------------------------	---------------------------------

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: **Bob Peters**

INSPECTOR: **Bob Peters**

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: _____

AGENCY



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 03 Account Number - 1900010862

Owner Information

Owner Name:	SEIBERT DAVID MICHAEL	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	11 GREEN HEATHER CT BALTIMORE MD 21208-1516	Deed Reference:	1) /24602/ 599 2) /24602/ 595

Location & Structure Information

Premises Address 11 GREEN HEATHER CT	Legal Description 4.201 AC 11 GREEN HEATHER CT GARDEN VIEW
--	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
68	9	202					15	2		50/ 116

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built 1986	Enclosed Area 5,096 SF	Property Land Area 4.20 AC	County Use 04
Stories 3	Basement YES	Type SPLIT LEVEL	Exterior FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	330,000	396,000		
Improvements:	708,790	832,100		
Total:	1,038,790	1,228,100	1,038,790	1,101,893
Preferential Land:	0	0	0	0

Transfer Information

Seller: 8643 PHA LLC	Date: 10/12/2006	Price: \$944,125
Type: MULT ACCTS ARMS-LENGTH	Deed1: /24602/ 599	Deed2: /24602/ 595
Seller: GELIN EDWARD	Date: 06/24/2005	Price: \$1,250,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /22106/ 211	Deed2:
Seller: GELIN EDWARD	Date: 06/30/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14567/ 454	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:

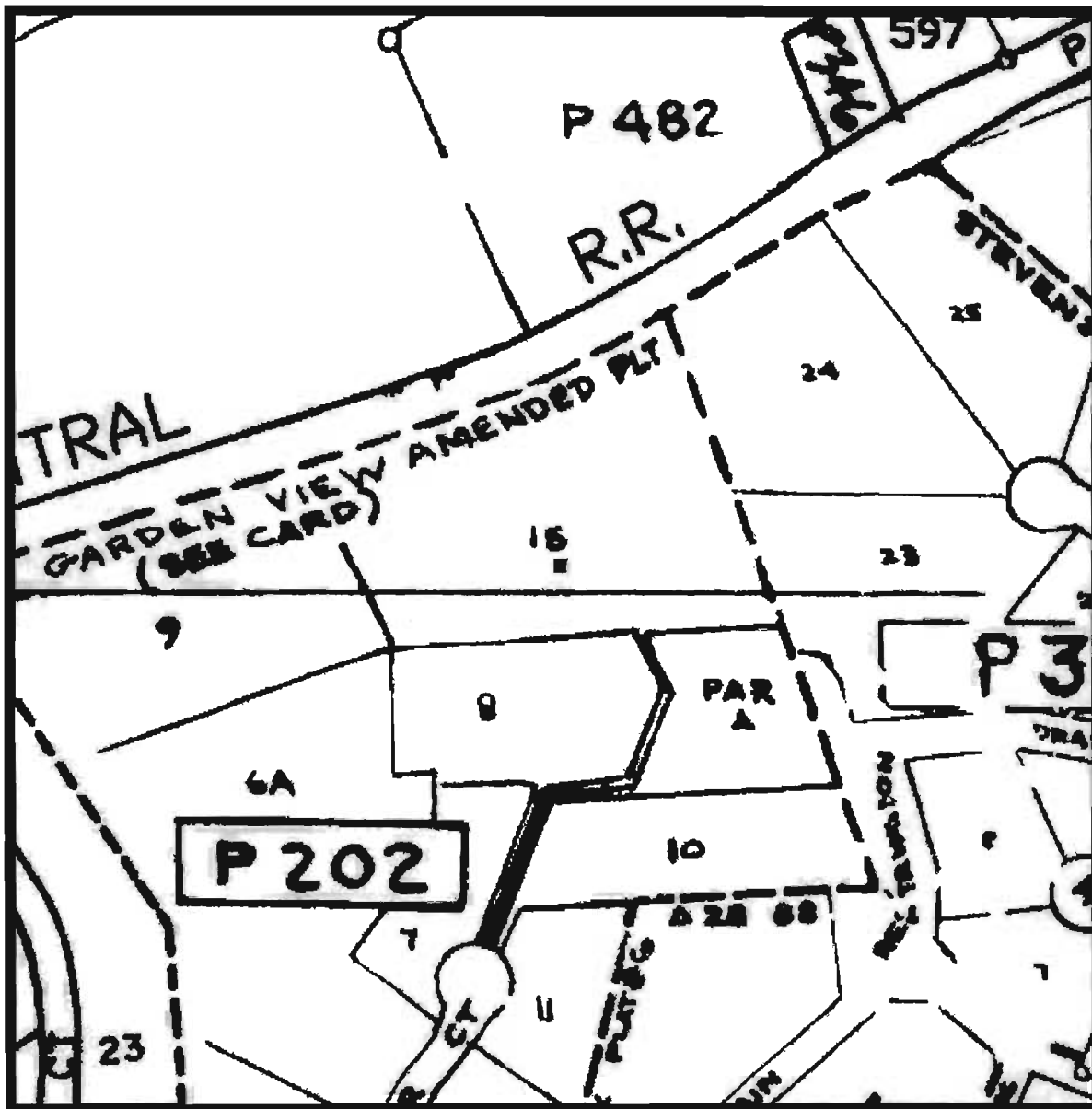
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
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[New Search](#)

District - 03 Account Number - 1900010862



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at
www.mdp.state.md.us/tax_mos.htm



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
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**** DELETED**
05/25/2005 **

Account Identifier: District - 03 **Account Number -** 1900002340

Owner Information

Owner Name: FRIEDMAN BARRY HOWARD **Use:** RESIDENTIAL
 FRIEDMAN MARSHA LEE **Principal Residence:** YES
Mailing Address: 6 GREEN HEATHER CT **Deed Reference:** 1) / 6586/ 747
 BALTIMORE MD 21208 2)

Location & Structure Information

Premises Address **Legal Description**
 6 GREEN HEATHER CT 3.7212 AC
 GARDEN VIEW

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
68	9	202					6A	2	Plat Ref: 47/ 125

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1920	9,597 SF	3.72 AC	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2005	07/01/2004	07/01/2005
Land	165,360	318,000		
Improvements:	563,220	725,790		
Total:	728,580	1,043,790	728,580	833,650
Preferential Land:	0	0	0	0

Transfer Information

Seller: HOOVER HERBERT C,JR	Date: 09/07/1983	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6586/ 747	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

08-410-A

JONES FALLS

Flood Zone A

NW 11-F

NW 11-E

1600010294

RC 2

1700000308

SITE ↓

Pt. Bk. 28 Folio 57

0320031090

2 CD

3 ED 068B1

Pt. Bk. 50 Folio 116

1900010862

0301050300

Flood Zone X

GARDEN VIEW (RESUB OF LOT 15 & 9) (PDM File/Project #) ECCLESTON STATION RD

Pt. Bk. 48 Folio 99

1900003720

8641

NW 10-F

Pt. Bk. 37 Folio 79

1700005879

NW 10-E

1900010863

0302000231

RC 5

MERRY HILL CT

Pt. Bk. 58 Folio 27 2100003901

2100003892

1900002340

6'

1600013358

GREEN HEATHER CT

1700003569

Pt. Bk. 37 Folio 100

9'

0308064030

Pt. Bk. 28 Folio 88

1700003570

1900003144

Pt. Bk. 47 Folio 125

0302000240

PLEASE PRINT CLEARLY

D. H. H. H.

CASE NAME _____
CASE NUMBER 08-410-A
DATE 5-14-08

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

David Seibert

11 Green Heather Ct.

Pikesville, MD 21208

dseibert@Controltecinc.com

*Trish Troxell
also attended*

C₄H₁₀ 29N

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.: 08-410-A 11 Green Heather Cst.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	PHotos of rear yard - note topography changes	
No. 3	PHotos of home and garage	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Back
↑



08-410-A

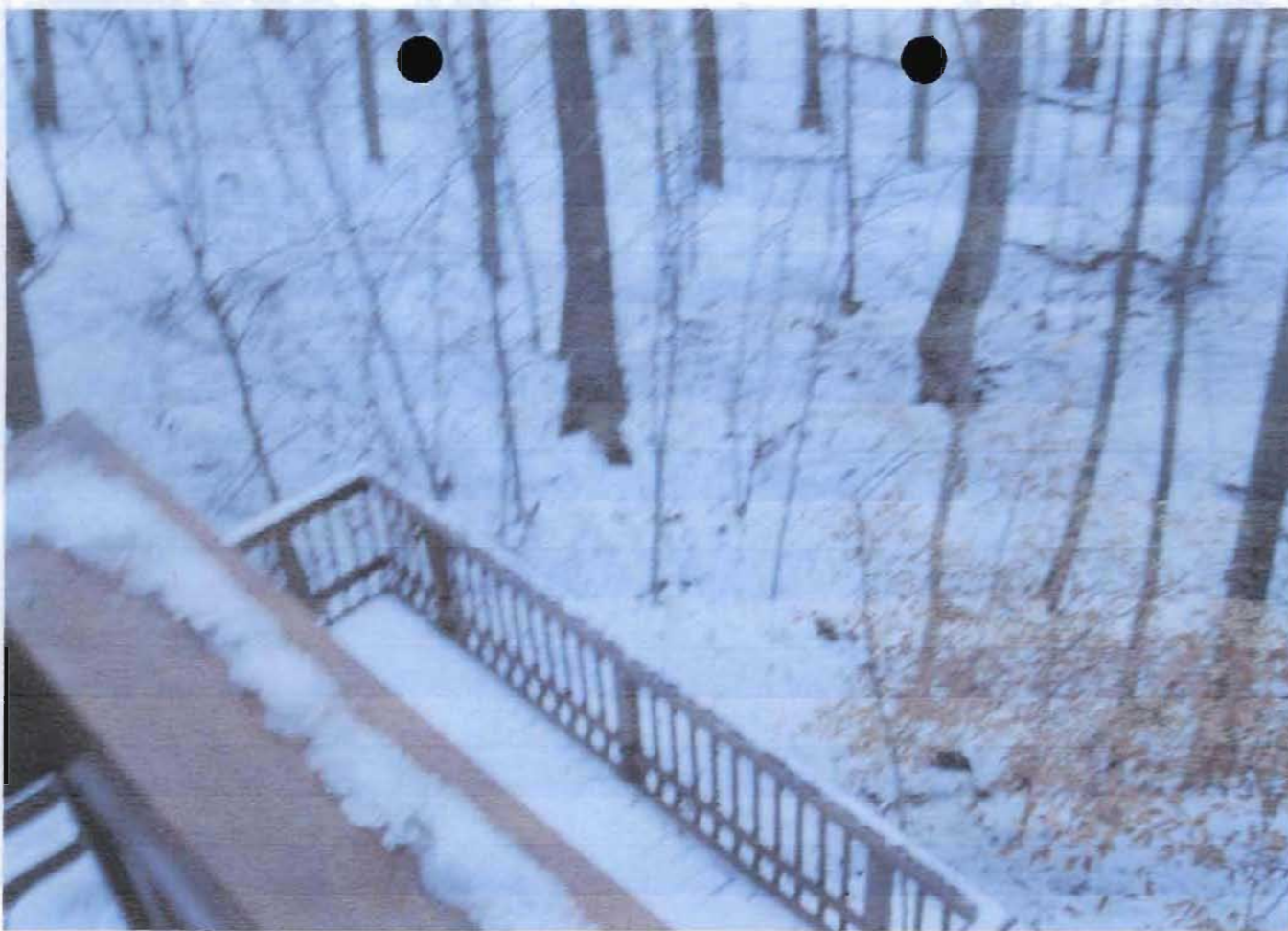


view from deck showing slope

PETITIONER'S

EXHIBIT NO.

2.



view from 1st floor showing slope



08-410-A



08-410-A

View from right side showing slope down to stream

Road
↙



08-410-A

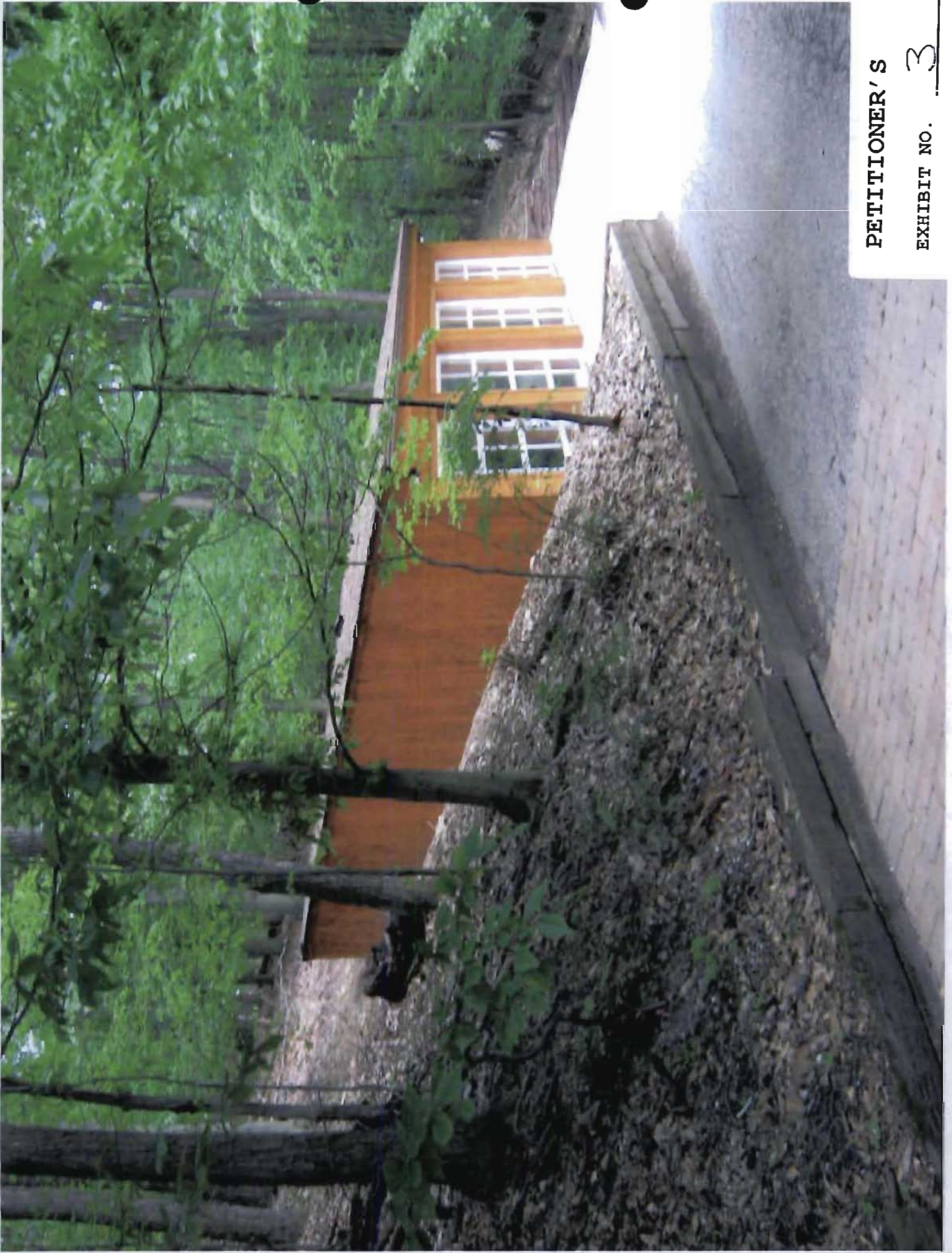
Rear view from deck & inside rear of home showing
Slope of property



View from 2nd level deck showing slope



CB-410-A



PETITIONER'S

EXHIBIT NO. 3









Homes REAR YARD









REAR YARD



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 11 GREEN HEATHER CT

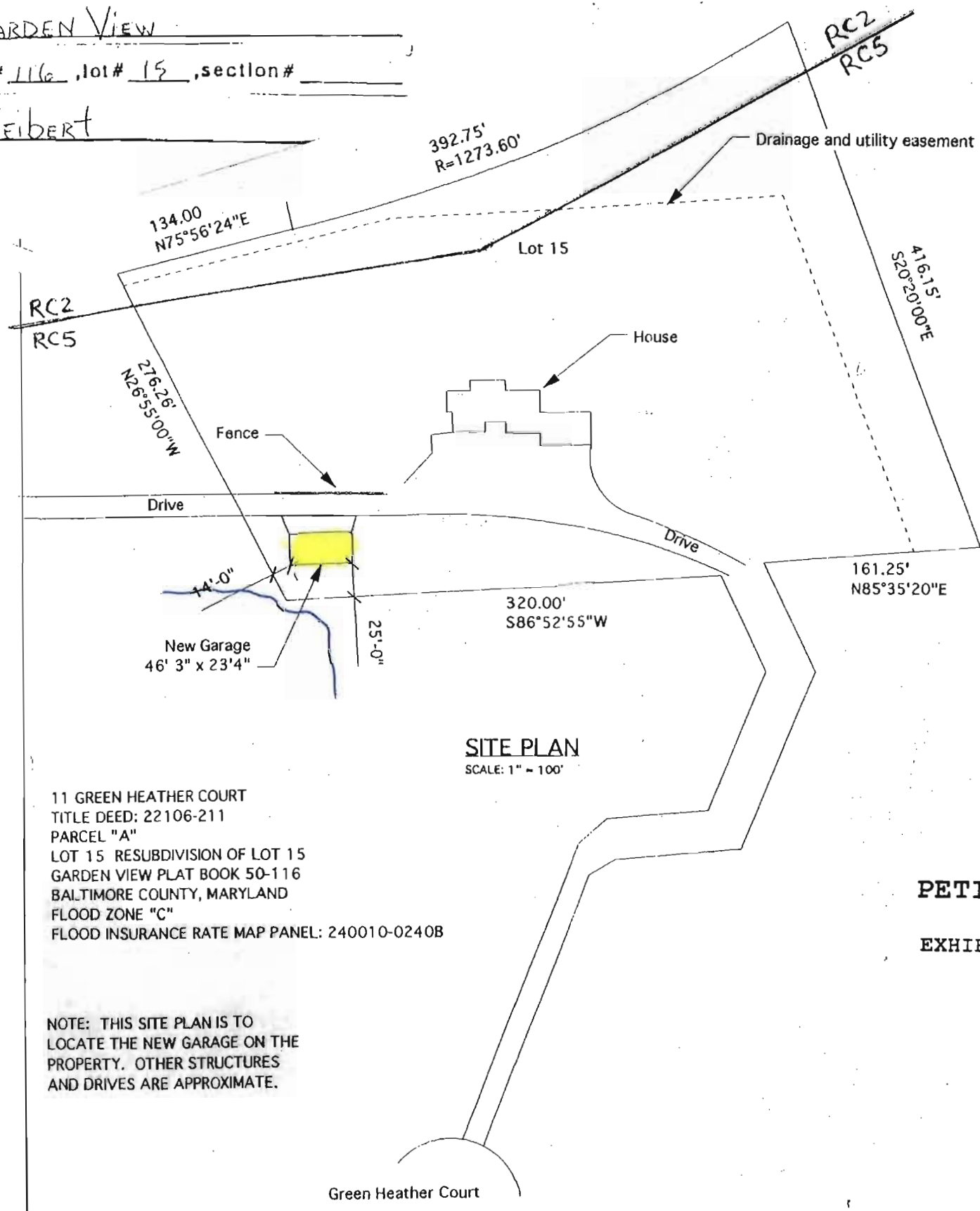
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: GARDEN VIEW

plat book # 50, folio # 116, lot # 15, section #

OWNER: DAVID SEIBERT

Dark Shaded
7.0



11 GREEN HEATHER COURT
TITLE DEED: 22106-211
PARCEL "A"
LOT 15 RESUBDIVISION OF LOT 15
GARDEN VIEW PLAT BOOK 50-116
BALTIMORE COUNTY, MARYLAND
FLOOD ZONE "C"
FLOOD INSURANCE RATE MAP PANEL: 240010-0240B

NOTE: THIS SITE PLAN IS TO
LOCATE THE NEW GARAGE ON THE
PROPERTY. OTHER STRUCTURES
AND DRIVES ARE APPROXIMATE.

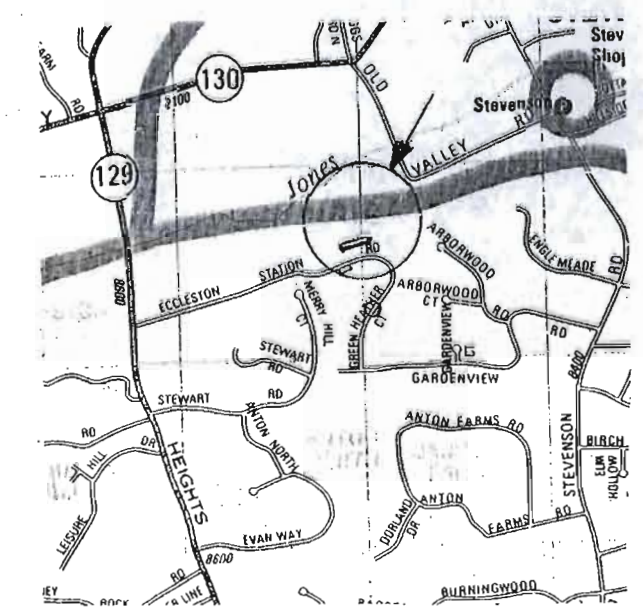


North

date: 2/22/08

prepared by: J. W. WILSON

Scale of Drawing: 1" = 100'



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 03
Councilmanic District: 2
1" = 200' scale map #: 068B1
Zoning: RC2 & RC5
Lot size: 4.201 acreage square feet

PETITIONER'S

EXHIBIT NO. 1

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: NONE

FLOOD PLAIN: NO

Zoning Office USE ONLY!

reviewed by: CM ITEM #: 410 CASE #: 08-410-4