

IN RE: **PETITION FOR VARIANCE**

W/S 9th Avenue, 846' N c/line

Joppa Road

(9630 9th Avenue)

11th Election District

5th Council District

John E. Meyers, et ux

Petitioners

*

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-438-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, James E. Meyers, and his wife, Gloria K. Meyers. The Petitioners request a variance from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 28 feet in lieu of the required 30 feet for an existing dwelling on Lot 1. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were John and Gloria Meyers, property owners, and Richard Truelove, a professional engineer, who prepared the site plan and is assisting the Petitioners through the minor subdivision process. Appearing as Protestants/interested persons were Selby and Frances Fortney, nearby property owners, residing at 9620 9th Avenue. There were no other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangularly shaped parcel located on the west side of 9th Avenue (a dead end street) not far from Joppa Road in the Parkville/Carney area of Baltimore County. The subject property is improved with 1-½ story framed dwelling containing a net area of 6,592 square feet, more or less, zoned D.R.5.5, known as 9630 9th Avenue. This property will be known as Lot 1 and the improvements have existed on the lot for 75 years. As shown on the "Meyers Property" site plan, the Petitioners desire to reconfigure the overall tract of land which will provide three (3) separate building lots.

COPIES RECEIVED FOR FILING
Date 5-27-08
BY [Signature]

Lot 2 (9628 9th Avenue) is unimproved and will be developed with a new single-family dwelling 33' wide x 38' deep for the Petitioners son and contains a net lot area of 7,501 square feet. Lot 3 (9634 9th Avenue) will also retain an existing 1-story brick single-family dwelling and contain a lot area of 9,692 square feet. Mr. Truelove indicated he has now assumed the minor subdivision process (No. 06-037-M) that was initially started by Mr. Alex Ratych, who recently retired. He explained that during the course of proceeding through the resubdivision process, the Bureau of Development Plans Review required an approximate 205-foot strip of land consisting of 1,735 square feet located along the west side of 9th Avenue to be conveyed to the County as a condition of approval to be used for future highway widening. The widening of the existing 30-foot wide right-of-way to a 40-foot wide right-of-way would come within 21 feet, 6 inches, of the existing home on Lot 1 and 19 feet of the proposed home on Lot 2, resulting in the need for variance relief. In this regard, it should be noted that the actual paved surface of the roadway would still be maintained at a distance of some 27 feet (Lot 3) to 35 feet (Lot 2) from the front of the structures. The controlling regulation here (B.C.Z.R. 303.1) requires 24 feet, 1 inch, for Lot 3 and 26 feet, 6 inches, for Lot 2. In this regard, it is to be noted that Section 1B02.3.C of the B.C.Z.R. provides for a minimum front yard depth of 25 feet in a D.R.5.5 zone. However, on this side of 9th Avenue, the houses on the immediately adjacent lots are set back from 17 feet, 9 inches, - 9636 9th Avenue; 30 feet, 2 inches - 9630 9th Avenue, and 23 feet - 9620 9th Avenue. Thus, and "average" front setback of 24 feet, 1 inch - Lot 1 and 26 feet, 6 inches - Lot 2, is required pursuant to Section 303.1 of the B.C.Z.R. Moreover, due to the narrow depth of Lot 2, the proposed dwelling cannot be moved back into the rear yard and meet the setback requirements. In this regard, and as illustrated on Petitioner's Exhibit 1, a small triangular portion of the northwest corner of the existing rear principal structure on Lot 1 - 9630 9th Avenue- protrudes into the required 30-foot rear yard setback. Thus, variance relief for this lot is necessary to legitimize existing conditions.

Testifying, not in opposition to the variances and proposed development of Lot 2 but to the parking situation on 9th Avenue, was Selby and Frances Fortney, who reside at the

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Date 5-27-08
By [Signature]

southern terminus of 9th Avenue. Apparently, some of the current residents and tenants of the Petitioners park cars and pick-up trucks along the eastern side of 9th Avenue at the curved portion of the road, which is opposite from Lot 2. The Fortney's expressed concerns that an additional home at 9628 9th Avenue would only further add to the absence of adequate off-street parking in the area. Parking along this narrow portion of 9th Avenue restricts the drive isle to a very narrow width. See photographs submitted as Protestants Exhibit 1. While single vehicles can negotiate through the area, it is deemed inadequate for emergency vehicles should they need to reach homes at the end of 9th Avenue in the event of fire, etc. The Fortney's expressed an appreciation for the Meyers to continue their efforts to remedy the situation.

After due consideration of all the testimony and evidence presented, I am persuaded to grant the variance. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners and prevent use of the property for a permitted purpose. Moreover, testimony and evidence demonstrated that many of the homes in the immediate vicinity are set back a similar distance from 9th Avenue as are presented here. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the proposal appears compatible with the pattern of development in the area. Thus, I find that the relief requested is appropriate in this instance and will not be detrimental to adjacent properties or the surrounding locale. Further, it was Mr. Truelove's opinion that the history and shape of the subject property make the property unique. It was also Mr. Truelove's additional opinion that a grant of the requested variances would be in harmony with the intent of the zoning regulations and would not create injury to the public health, safety and welfare.

The issues raised in the petitions are pursuant to the authority granted in Section 500.7 of the B.C.Z.R. Thus, my decision in this matter is based on the zoning of the subject property, the proposed uses on the parcels and other zoning defined issues. I do not have the authority, nor will this decision attempt, to determine issues of processing limited exemptions from the department regulations which have been relegated by the County Council to the

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Date 5-27-08
BY [signature]

Development Review Committee. See *Long Meadow Association, Inc., et al v. Druid Ridge, LLP, et al*, Court of Special Appeals No. 1801 (2005) and County Council Bill 54-05. A review of the facts, evidence and testimony presented in this case reveals that the Petitioner's engineer is in agreement with this conclusion.

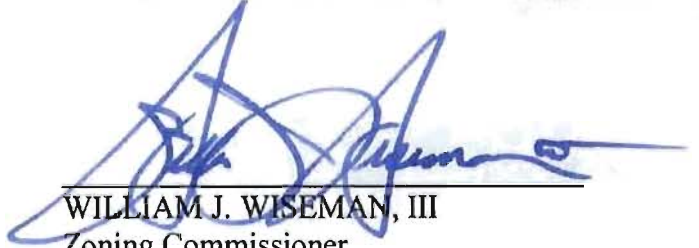
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of May 2008 that the Petition for Variance seeking relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 28 feet in lieu of the required 30 feet for an existing dwelling on Lot 1, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) ADVISORY: This Order approves the requested Variance(s) but does not address the proposed subdivision. The Petitioner's subdivision proposal to create the proposed Lots 1, 2 and 3 must continue its review by the Development Review Committee for consideration and processing.
- 2) Petitioners and their tenants shall be required to park cars in the existing off-street parking driveways at all times and to use good faith efforts to prevent guests from parking on the east side of 9th Avenue from 9630 9th Avenue to and including the cul-de-sac at the roads end.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5-27-08
BY [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 27, 2008

John E. Meyers
Gloria K. Meyers
9636 9th Avenue
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE

W/S 9th Avenue, 846' N c/line Joppa Road
(9630 9th Avenue)
11th Election District - 5th Council District
John E. Meyers, et ux - Petitioners
Case No. 08-438-A

Dear Mr. and Mrs. Meyers:

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

c: Richard Truelove, 406 West Pennsylvania Avenue, Towson, MD 21204
Selby and Frances Fortney, 9620 9th Avenue, Baltimore, MD 21234
People's Counsel; Bureau of Development Plans Review; DEPRM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 9630 9th Avenue, Baltimore, Maryland 21234
which is presently zoned D.R. 5.5

Deed Reference: N/A Tax Account # N/A

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)

See attached

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 E. Meyers JOHN E. MEYERS

Name - Type or Print _____

Signature John E. Meyers

Gloria K. Meyers

Name - Type or Print _____

Signature Gloria K. Meyers

9636 9th Avenue 410-665-0714

Address _____ Telephone No. _____

Baltimore Maryland 21234

City _____ State _____ Zip Code _____

Representative to be Contacted:

Richard Truelove

Name _____

406 West Pennsylvania Ave. 410-494-4914

Address _____ Telephone No. _____

Towson Maryland 21204

City _____ State _____ Zip Code _____

Case No. 08 438 A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

1HR

REV 8/20/07

Small Corner

ORDER RECEIVED FOR FILING

Date 5-27-08

By [Signature]

Date 3/06/08

ZONING RELIEF REQUESTED:

A VARIANCE TO BCZR SECTION 1802.3 C.1. TO ALLOW A REAR YARD OF
28' IN LIEU OF THE REQUIRED 30' FOR #9630 NINTH AVE.

438

RICHARD J. TRUELOVE, P.E., INC.
CIVIL ENGINEER

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204-4228

(410) 494-4914
FAX (410) 298-5328

ZONING DESCRIPTION 9630 NINTH AVENUE

Beginning for the same at a point on the west side of Ninth Avenue, variable width as now widened. Said point being 846 feet more or less north from the center of Joppa Road measured along Ninth Avenue. Thence leaving the west side of Ninth Avenue and running the following courses:

- (1) North $68^{\circ} 16' 26''$ West 98.48 feet, thence,
- (2) North $06^{\circ} 02' 19''$ West 71.70 feet, thence
- (3) South $68^{\circ} 16' 26''$ East 110.86 feet, to intersect the west side of Ninth Avenue thence,

Along the west side of Ninth Avenue South $06^{\circ} 56' 38''$ West 45.77 feet, thence by a curve to the left with a radius of 55.00 feet for a distance of 21.48 feet, the chord of said curve being South $04^{\circ} 14' 41''$ East 21.34 feet to the place of beginning

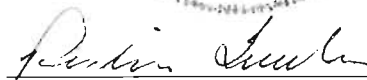
Containing 6,592 square feet, or 0.151 acres of land, more or less.

Being part of that property recorded in the land records of Baltimore County in Liber S.M. 16155 Folio 652, part of that property recorded in the land records of Baltimore County in Liber S.M. 22021 Folio 579 and part of that property recorded in the land records of Baltimore County in Liber S.M. 11254 Folio 656. Located in the Eleventh Election District, Fifth Councilmanic District, of Baltimore County, Maryland.

March 5, 2008

reports\zondesc\9630 Ninth Ave.doc




Richard John Truelove P.E.

#438

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

*A18
JL*

No. **2101**

Date: **3/06/08**

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
				2101				175.00

Total: **175.00**

Rec

From: *James H. Touchette, Jr., Inc.*

For:

*Voucher - 9605.963029634 11th Avenue
 418-A (Majors)*

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

*Cost to cover cases:
 08-418-A
 08-438-A
 08-439-A*

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: #08-438-A

9630 9th Avenue

W/side of 9th Avenue, 846 feet +/- north of centerline of Joppa Road

11th Election District — 5th Councilmanic District

Legal Owner(s): John & Gloria Meyers

Variance: to allow a rear yard of 28 feet in lieu of the required 30 feet.

Hearing: Wednesday, May 14, 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 4/8/73 Apr. 29

171536

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. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 08-438-A

Petitioner/Developer: RICHARD
TRUELSON

Date Of Hearing/Closing: May 14, 2008

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 9630 9th AVENUE

This sign(s) were posted on April 24, 2008

(Month, Day, Year)

Sincerely,

Martin Ogle 4/24/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

**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: 08-438-A

Petitioner: John E. Meyers

Address or Location: 9630 9th Ave

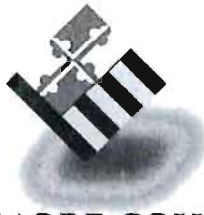
PLEASE FORWARD ADVERTISING BILL TO:

Name: John E Meyers

Address: 9636 Ninth Avenue
Baltimore, Maryland 21234

Telephone Number: 410 - 665 - 0741

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 26, 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: 08-438-A

9630 9th Avenue

W/side of 9th Avenue, 846 feet +/- north of centerline of Joppa Road

11th Election District – 5th Councilmanic District

Legal Owners: John & Gloria Meyers

Variance to allow a rear yard of 28 feet in lieu of the required 30 feet.

Hearing: Wednesday, May 14, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Richard Truelove, 406 West Pennsylvania Avenue, Towson 21204
John & Gloria Meyers, 9636 9th Avenue, Baltimore 21234

- 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:
John Meyers
9636 9th Avenue
Baltimore, MD 21234

410-665-0741

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: 08-438-A

9630 9th Avenue

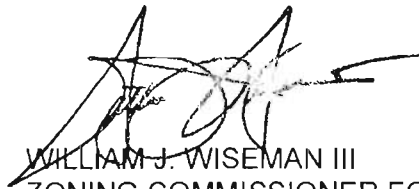
W/side of 9th Avenue, 846 feet +/- north of centerline of Joppa Road

11th Election District – 5th Councilmanic District

Legal Owners: John & Gloria Meyers

Variance to allow a rear yard of 28 feet in lieu of the required 30 feet.

Hearing: Wednesday, May 14, 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 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

May 8, 2008

John E. Meyers
Gloria K. Meyers
9636 9th Avenue
Baltimore, Maryland 21234

Dear Mr. and Mrs. Meyers:

RE: Case Number: 08-438-A, 9630 9th Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 6, 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
Richard Truelove 406 West Pennsylvania Avenue Towson 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 31, 2008
Item Nos. 08-401, 418, 419, 420, 421, 422,
426, 427, 428, 429, 430, 431, 432, 433, 434,
435, 438, 439, and 440

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-03282008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 7, 2008

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

08-438

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-418- Variance

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

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

Prepared By:

Curtis Murray

Division Chief:

John L. L. L.

CM/LL



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 24, 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-438-A
9630 NINTH AVENUE
MEYER'S 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. B-438-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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
APR 16 2008

BY: _____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: April 16, 2008

SUBJECT: Zoning Item # 08-438-A
Address 9630 9th Avenue
(Meyers Property)

Zoning Advisory Committee Meeting of March 24, 2008

_____ 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:

- X 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).
- _____ 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: Development of this site must meet all conditions of the variance to Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains approved by DEPRM on January 10, 2008. The rear principal structure setback approved in the variance is as shown on the attachment. This appears to only affect the northwest corner setback.

Reviewer: Paul Dennis

Date: April 2, 2008

RE: PETITION FOR VARIANCE	*	BEFORE THE
9630 9 th Avenue; W/S of 9 th Avenue,	*	ZONING COMMISSIONER
846' N c/line Joppa Road	*	FOR
11 th Election & 5 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): John & Gloria Meyers	*	08-438-A
Petitioner(s)		

* * * * *

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.

RECEIVED
MAR 24 2008
Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Richard Truelove, 406 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME MEYERS PROPERTY
CASE NUMBER 08-418-A, 08-438
DATE May 10 2008 A+

08-439
A

[illegible]

CASE NAME _____
CASE NUMBER 08-418-A, 08-438
DATE 5-14-08 A &
08-439

[illegible]

Case No.: 08-438-A 9630 9th Avenue

Exhibit Sheet

Petitioner/Developer

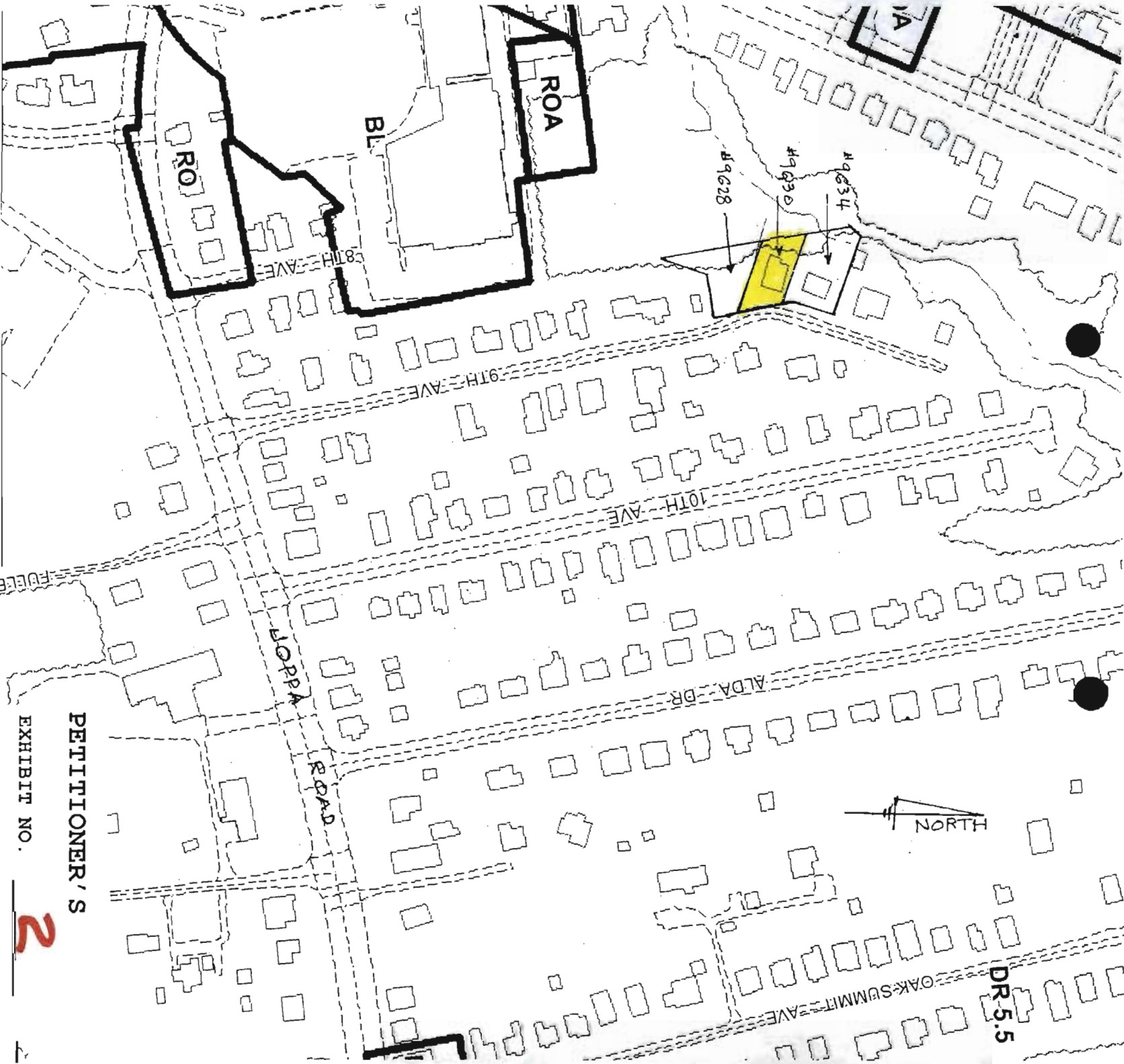
Protestant

No. 1		
No. 2	Site Plan	Photo's of Protesters
No. 3	Zoning Map - Patterns of Development	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

placed in
file #
08-438A

Baltimore County
Office of Planning and Zoning
Official Zoning Map

TILE 071B2
#438



PETITIONER'S
EXHIBIT NO. **2**

Scale

1" = 200'

0 100 200 400
Feet

GENERAL NOTES:

1. LOT AREA SUMMARY:

LOT #1	EXISTING LOT AREA	7,334 S.F.	
	PLUS PARCEL "A"	+ 166 S.F.	
	MINUS PARCEL "B"	- 6 S.F.	
	TOTAL AREA	7,494 S.F.	
	MINUS ROAD WIDENING	- 902 S.F.	
	NET AREA LOT #1	6592 S.F.	(0.151 Ac +/-)
LOT #2	EXISTING LOT AREA	7,924 S.F.	
	MINUS ROAD WIDENING	- 423 S.F.	
	NET AREA LOT #2	7501 S.F.	(0.172 Ac +/-)
LOT #3	EXISTING LOT AREA	10,262 S.F.	
	PLUS PARCEL "A"	+ 166 S.F.	
	PLUS PARCEL "B"	+ 6 S.F.	
	TOTAL AREA	10,434 S.F.	
	MINUS ROAD WIDENING	- 410 S.F.	
	NET AREA LOT #3	9692 S.F.	(0.222 Ac +/-)
	TOTAL AREA OF PROPOSED LOTS	16,985 S.F.	(0.390 Ac +/-)

- EXISTING ZONING: D.R.5.5 ZONING MAP # 071-B2
- DEED REFERENCE: 16155/652, 22021/579, & 11254/656
- EXISTING USE: 2 SINGLE FAMILY RESIDENCE
- PROPOSED USE: 3 SINGLE FAMILY RESIDENCES
- OWNER: JOHN & GLORIA MEYERS
9630 9TH AVENUE
BALTIMORE, MARYLAND 21234
(410) 655-0741
- TAX MAP/GRID/PARCEL: 71 / 16 / 1018
- TAX ACCOUNT No.: 1108081340
- COUNCILMANIC DISTRICT: 5th
- CENSUS TRACT: 411404
- REGIONAL PLANNING DISTRICT: 317
- SCHOOL DISTRICT: CARNEY ES
ELEMENTARY
MIDDLE
HIGH SCHOOL
- WATERSHED: PINE GROVE MS
PARKVILLE HS
LOWER GUNPOWDER
- SEWERSHED: 26
- PARKING REQUIRED: 3 LOTS X 2/PER LOT = 6 SPACES
- PARKING PROVIDED: 6 SPACES
- BEARING SHOWN REFER TO THE TRUE MERIDIAN AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT
- TOPOGRAPHY SHOWN HEREON REFERS TO THE BALTO COUNTY BENCHMARK No. 10193 - ELEVATIONS = 355.881'
- THE DEVELOPER AND HIS ASSIGNS RETAIN THE RIGHT TO UTILIZE UNUSED DENSITY IN THE FUTURE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME.
- ACCEPTANCE OF THIS PLAN IN NO WAY BINDS BALTIMORE COUNTY INTO REFUSE COLLECTION OF THIS DEVELOPMENT. AT THE TIME OF CONSTRUCTION AND AFTER ALL REQUIREMENTS (REFUSE COLLECTION PADS) HAVE BEEN MET. A REPRESENTATIVE TO DISCUSS DETAILS OF REFUSE COLLECTION.
- LIMITS AND TOTAL AREAS OF LAND DISTURBANCE ARE NOTED ON THE PLAN. TOTAL DISTURBED AREA = 2,600 SF.
- HOUSE DOWN SPOUTS ARE TO BE DISCHARGED ONTO PVIOUS AREAS OR INTO DRY WELLS, WHERE FEASIBLE.
- ALL IMPERVIOUS AREAS ARE TO BE LIMITED TO PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATES AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
- ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATER COURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
- THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS WITHIN 100 FEET OF THIS SITE.
- THERE ARE NO ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, HAZARDOUS MATERIALS SITES OR STORAGE, OR HISTORIC BUILDINGS ON SITE. THERE ARE NO UNDERGROUND FUEL TANKS ON-SITE.
- ALL LOTS SHOWN HEREON WILL BE SERVED BY PUBLIC WATER & SEWER
- DENSITY CALCULATIONS:
LOTS ALLOWED - 25,519/43,560 x 5.5 = 3.2
LOTS PROPOSED - 3
- SOILS: B1B BELTSVILLE SILT LOAM 2-5% SLOPES
- THIS PROPERTY AS SHOWN ON THE PLAT HAS BEEN HELD INTACT SINCE 5/25/2005. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
- THERE IS NO PRIORITY ZONING HISTORY FOR THIS PROPERTY
- PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB AND GUTTER". ALL DRIVEWAYS WILL COMPLY WITH SECTION 402.4 (B)(2). ALL PARKING AND MANEUVERING AREAS WILL BE PAVED WITH DOUBLE BITUMINOUS SURFACE TREATMENT.
- THE AREAS BETWEEN THE SIGHT LINE AND THE EDGE OF ROAD MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS
- THE MAXIMUM DWELLING HEIGHT OF PROPOSED DWELLINGS IS 50 FEET
- THE ENCHROACHMENT OF THE 100-YR FLOODPLAIN FOR THE EXISTING STREAM IS LOCATED ON LOT 1 & 3 AS SHOWN ON THE PLAN.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO BALTIMORE COUNTY FACILITIES WITHIN THE SUBDIVISION.
- THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
- THE PURPOSE OF THIS PLAN IS TO COMBINE 2 LOTS (EACH A PART OF LOT 92 PLAT 7/19) AND A RESIDUE PARCEL FROM THE PROPERTY OF THE BALTIMORE BELAIR ELECTRIC RAILROAD INTO 3 LOTS. THERE IS NO INCREASE IN DENSITY.

LEGEND

- FIRE HYDRANT
- LIGHT POLE
- GAS VALVE
- WATER METER
- WATER CAP
- SEWER CLEANOUT
- ELECTRIC HANDBOX
- MECHANICAL HANDBOX
- GAS HANDBOX
- STORM DRAIN MANHOLE
- SEWER MANHOLE
- ELECTRIC MANHOLE
- WATER MANHOLE
- TELEPHONE MANHOLE
- PROPERTY CORNER
- DRAIN INLET
- CONC. CURB
- SIGN
- UTILITY POLE
- OVERHEAD UTILITY WIRES
- UNDERGROUND GAS MAINS
- UNDERGROUND WATER MAINS
- UNDERGROUND SEWER LINES
- UNDERGROUND STORM DRAINS
- UNDERGROUND TELEPHONE
- FENCE
- TREE
- ONE TREE
- CONC.
- CONCRETE

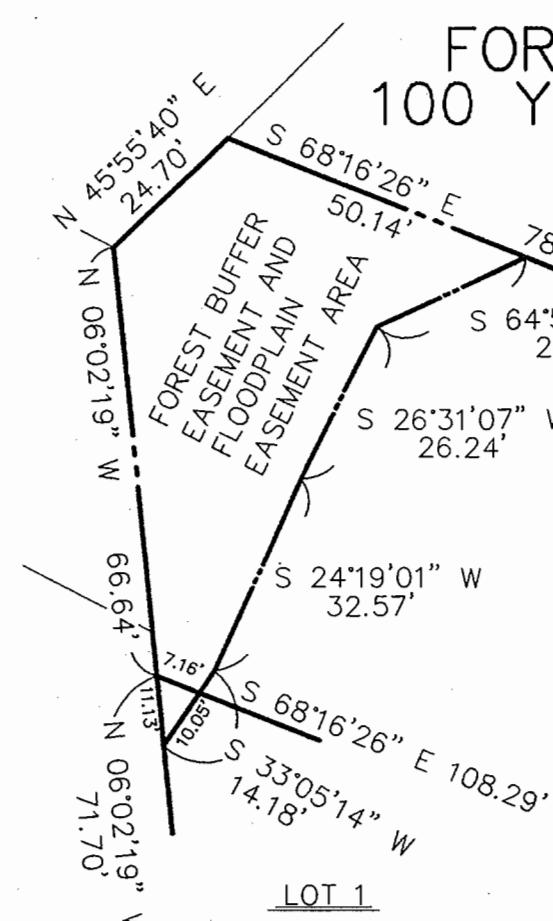
- 100 YEAR FLOODPLAIN
- PROPOSED FOREST BUFFER EASEMENT

FOREST BUFFER VARIANCE NOTE:

On January 10, 2008 a variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains. This variance granted the continued use and reduction of 4,395 +/- square feet of the required forest buffer for the existing homes, yards, and accessory structures at 9630 and 9634 Ninth Avenue respectively, and 2,538 +/- square feet of reduction of the required forest buffer to allow for the construction of a dwelling and associated yard at 9628 Ninth Avenue. Conditions, including offsite mitigation, and the installation of signs and a fence at the buffer limits, were placed on this variance to reduce water quality impacts. The approved minor subdivision is the exhibit for this variance.

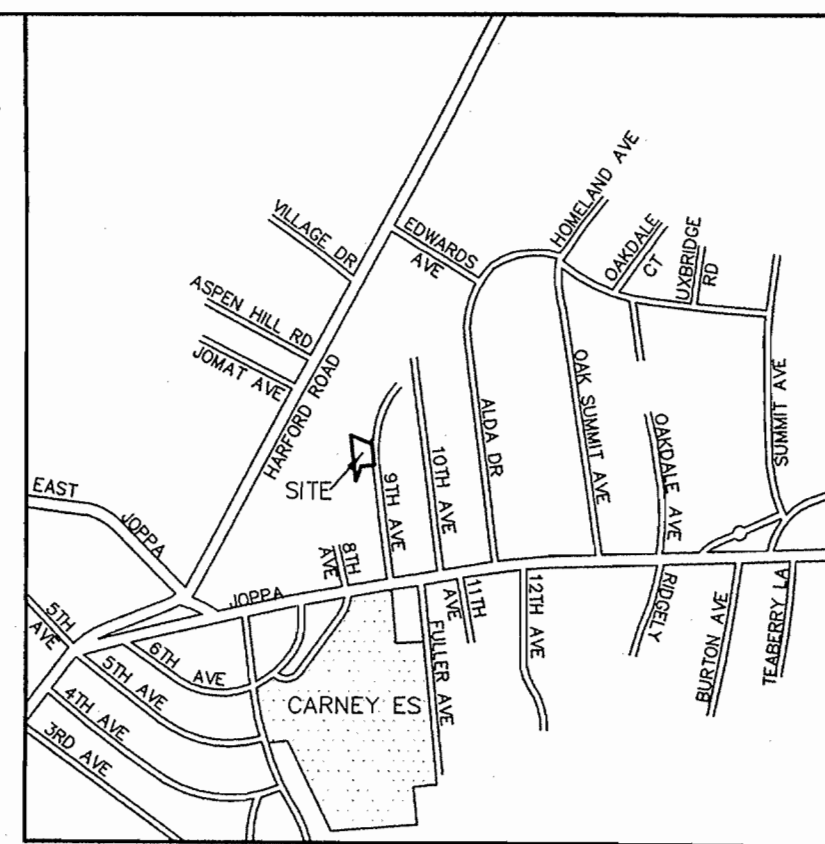
FOREST BUFFER EASEMENT 100 YR. FLOODPLAIN EASEMENT

SCALE: 1" = 30'



LOT 3

FOREST BUFFER EASEMENT AND
FLOODPLAIN EASEMENT AREA SUMMARY
LOT 3 2474 S.F. (0.057 Ac±)
LOT 1 35 S.F. (0.000 Ac±)
TOTAL 1509 S.F. (0.057 Ac±)



LOCATION MAP SCALE: 1" = 1000'

EXISTING DRAWING REFERENCES

WATER: 65-238 & 59-1083
SANITARY: 59-863
STORM DRAIN: 77-0667

NOTE: PARCEL "A" IS ADDED TO LOT 1 FOR INCREASED AREA. PARCEL "B" IS ADDED TO LOT 3 TO KEEP THE FRONT LOT LINE CONSISTENT WITH THE ROAD WIDENING LINE. PARCELS "A" AND "B" ARE PART OF THE BALTIMORE-BELAIR ELECTRIC RAILWAY RESIDUE.

PARCEL A TO BE ADDED TO LOT 1 - 166 S.F. 0.004 Ac±

PARCEL B TO BE ADDED TO LOT 3 - 6 S.F. 0.000 Ac±

LOT 1 = 893 SF. OR 0.020 AC±
LOT 2 = 423 SF. OR 0.010 AC±
LOT 3 = 410 SF. OR 0.009 AC±
PARCEL A = 166 SF. OR 0.004 AC±
PARCEL B = 6 SF. OR 0.000 AC±
TOTAL = 1,735 SF. OR 0.040 AC±

ROAD WIDENING DETAIL

SCALE: 1" = 30'

NOTE: THE SITE IS IN THE JOPPA RD./HARFORD RD. INTERSECTION CATCHMENT AREA SERVICE LEVEL "D". IT IS NOT IN A SEWER OR WATER DEFICIENT AREA IN THE BASIC SERVICES MAPS.

SMALL TRACT SETBACK CHART

ZONING CLASSIFICATION	MINIMUM NET LOT AREA PER DWELLING UNIT IN SQUARE FEET	MINIMUM LOT WIDTH IN FEET	MINIMUM FRONT-YARD DEPTH IN FEET	MINIMUM REAR-YARD DEPTH IN FEET
D.R. 5.5	6,000	55	25	30

EXISTING AND PROPOSED DWELLINGS AS SHOWN INDICATE A SPECIFIC LOCATION AND ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE LOCATION OR ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE LOCATION OR ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT.

ZONING NOTES

- NO PRIOR CASES ARE ON RECORD IN THE ZONING OFFICE.
- #9628 GROSS AREA = 0.200 Ac +/- (8701 s.f.)
#9628 NET AREA = 0.172 Ac +/- (7501 s.f.)
#9630 GROSS AREA = 0.195 Ac +/- (8481 s.f.)
#9630 NET AREA = 0.150 Ac +/- (6531 s.f.)
#9634 GROSS AREA = 0.279 Ac +/- (12153 s.f.)
#9634 NET AREA = 0.224 Ac +/- (9753 s.f.)
- EXISTING ZONING: DR 5.5 (see 200 scale zoning map 71B2)
- PROPOSED ZONING: DR 5.5
- EXISTING USE: SINGLE FAMILY DETACHED DWELLINGS
- PROPOSED USE: SINGLE FAMILY DETACHED DWELLINGS
- EXISTING DWELLINGS TO REMAIN.
- OFF STREET PARKING
1. PARKING REQUIRED: 2 SPACES per DWELLING UNIT
2. TOTAL SPACES REQUIRED: 3X2 = 6
3. TOTAL SPACES PROVIDED: 6
- BUILDING SETBACK REQUIREMENTS (SEC 303.1 - DR 5.5 ZONE)
FRONT - THE AVERAGE OF THE FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING EACH SIDE (25' MINIMUM)
9628: (23'+30.2')/2 = 26.6'
9630: (26.6'+21.6')/2 = 24.1'
9634: (30.2'+17.9')/2 = 24.1'
SIDE - 10' MIN.
REAR - 30' MIN.
- SETBACKS PROVIDED
#9628 FRONT = 19', #9630 FRONT = 30.2', #9634 FRONT = 21.6'
#9628, #9630, & #9634 SIDE = 10' (MIN)
#9628 REAR = 30', #9630 REAR = 28', #9634 REAR = 57'
- THE PROPERTY LINES SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY BY APR ASSOCIATES INC. TOPOGRAPHY IS BASED ON FIELD RUN DATA AND ON BALTIMORE COUNTY GIS TOPOGRAPHIC INFORMATION.
- THE 100 YEAR FLOODPLAIN AND STREAM BUFFER ARE SHOWN.
- THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORICAL BUILDINGS OR STRUCTURES ON THE SITE.

ZONING RELIEF REQUESTED:

- A VARIANCE TO BCZR SECTION 303.1 TO ALLOW A FRONT YARD SETBACK OF 19' IN LIEU OF THE REQUIRED AVERAGE OF 26.6' FOR #9628 NINTH AVENUE.
- A VARIANCE TO BCZR SECTION 303.1 TO ALLOW A FRONT YARD SETBACK OF 30.2' IN LIEU OF THE REQUIRED AVERAGE OF 24.1' FOR #9630 NINTH AVENUE.
AND A VARIANCE TO BCZR SECTION 1802.3 C.1. TO ALLOW A REAR YARD OF 28' IN LIEU OF THE REQUIRED 30' FOR #9630 NINTH AVE.
- A VARIANCE TO BCZR SECTION 303.1 TO ALLOW A FRONT YARD SETBACK OF 21.6' IN LIEU OF THE REQUIRED AVERAGE OF 24.1' FOR #9634 NINTH AVENUE.

PROPERTY OWNER /APPLICANT: JOHN E. and GLORIA K. MEYERS
9636 NINTH AVENUE
BALTIMORE, MD 21234

#9630 DEED REFERENCE 16155/652
#9630 TAX ACCT # 11-0808-1340
#9634 DEED REFERENCE 11254/656
#9634 TAX ACCT # 11-2602-0370

PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY VARIANCE PETITION ...MEYERS PROPERTY...

#06-037-M

9628, 9630, & 9634 9th AVENUE

RESUBDIVISION OF PART OF LOT 92
AND PART OF THE 60 FOOT RIGHT-OF-WAY OF
THE BALTIMORE-BELAIR ELECTRIC RAILWAY,
CARNEY HEIGHTS, PLAT BOOK 7 FOLIO 19

11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

RICHARD TRUELOVE P.E., Inc.

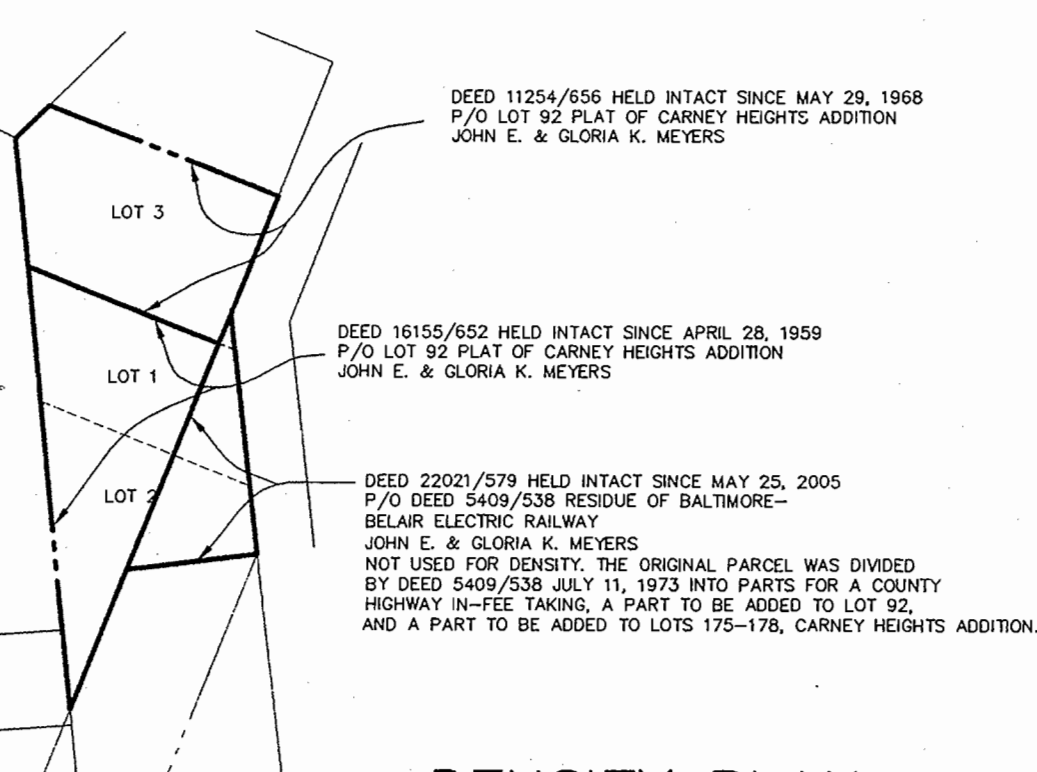
registered civil engineer

406 West Pennsylvania Avenue
Towson, Maryland 21204-4228
(410)494-4914 FAX (410)298-5326

DATE: FEB. 29, 2008
SCALE: 1"=30'
PROJ. NO. 2007001

DENSITY PLAN

SCALE: 1"=100'



NOTE:
THE LOT LINE ADJUSTMENT GRANTED BY
DRC # 013006D ON MARCH 6, 2006
IS SUPERSEDED BY THIS MINOR SUBDIVISION.
A LETTER REQUESTING THAT IT BE WITHDRAWN
FROM THE FILE HAS BEEN SENT TO DEVELOPMENT
MANAGEMENT.

NOTE: THE BUILDING MATERIALS FOR THE
PROPOSED DWELLING ON LOT 2 MUST BE CONSISTENT
WITH THE SURROUNDING DWELLINGS.

NOTE: THE EXISTING VEGETATION ALONG THE SOUTH
SIDE OF LOT 2 MUST BE PRESERVED.

NOTE: THE MINIMUM CELLAR ELEVATION
FOR # 9628 IS 332.3. ANY CELLAR
ELEVATION LOWER THAN THIS WILL REQUIRE
A PRIVATE EJECTOR PUMP FOR SEWERAGE.

NOTE: THE AREA BETWEEN THE EDGE OF PAVING AND THE
SITE LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF
ANY OBSTRUCTIONS.

