

IN RE: **PETITION FOR VARIANCE**
W/S 9th Avenue, 914' N c/line
Joppa Road
(9634 9th Avenue)
11th Election District
5th Council District

John E. Meyers, et ux
Petitioners

*
*
*
*
*

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 08-439-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 Sections 1B02.3C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 21 feet, 6 inches, in lieu of the required average of 24 feet, 1 inch, for an existing dwelling on Lot 3. 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, adjacent property owners, residing at 9620 9th Avenue. There were no other interested persons present.

Testimony and evidence offered disclosed that the subject property is an irregularly 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 an irregularly shaped parcel and the subject property is improved with a 1-story brick single-family dwelling and contains a net area of 9,692 square feet, more or less, zoned D.R.5.5, known as 9634 9th Avenue. This property will be known as Lot 3 and the improvements thereon have existed for many years. As shown on the "Meyers Property" site plan, the Petitioners desire to reconfigure the overall

ORDER RECEIVED FOR FILING
Date 5-27-08
By [Signature]

tract of land which will provide three (3) separate building lots. Lot 1 (9630 9th Avenue) will consist of 6,592 square feet and retain the existing 1-½ story home. Lot 2 (9628 9th Avenue) will be developed with a new house, 33' wide x 38' deep for the Petitioners son and will contain a net area of 7,501 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

By _____
Date 5-27-08
ORDER RECEIVED FOR FILING

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

ORDER RECEIVED FOR FILING
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.

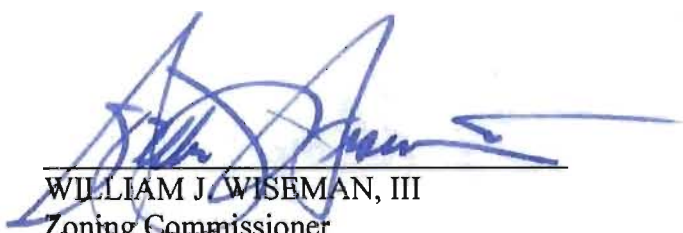
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

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 Sections 1B02.3C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a front yard setback of 21 feet, 6 inches, in lieu of the required average of 24 feet, 1 inch, for the existing dwelling on Lot 3, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

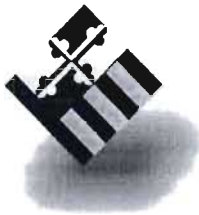
- 1) ADVISORY: This Order approves the requested Variance(s) but does not address the proposed subdivision. The Petitioner's subdivision proposal to create the proposed Lots 1, 2 and 3 must continue its review by the Development Review Committee for consideration and processing.
- 2) Petitioners and 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, 914' N c/line Joppa Road
(9634 9th Avenue)
11th Election District - 5th Council District
John E. Meyers, et ux - Petitioners
Case No. 08-439-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 9634 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

Gloria K. Meyers

Name - Type or Print

Signature

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. 08 439 A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

1HR

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 5-27-08

By lew

Reviewed by ji Date 3/06/08

ZONING RELIEF REQUESTED:

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.

#439

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

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204-4228

(410) 494-4914
FAX (410) 296-5326

ZONING DESCRIPTION 9634 NINTH AVENUE

Beginning for the same at a point on the west side of Ninth Avenue, variable width as now widened. Said point being 914 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° 16' 26" West 110.86 feet, thence,
- (2) North 06° 02' 19" West 64.94 feet, thence
- (3) North 45° 55' 40" East 24.70 feet, thence
- (4) South 68° 16' 26" East 123.42 feet to intersect the west side of Ninth Avenue thence,

Along the west side of Ninth Avenue South 21° 43' 34" West 66.13 feet, thence South 06° 53' 11" East 15.80 feet to the place of beginning

Containing 9,692 square feet, or 0.222 acres of land, more or less.

Being 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\9634 Ninth Ave.doc



Richard John Truelove

Richard John Truelove P.E.

#439

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
				2.50				175.00

Total: 175.00

Rec From: Forward Training, P.E. Inc.

For: Volunteer - 903.963029634 116 Avenue
P 411-A (Merged)

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: #08-439-A

9634 9th Avenue

W/side of 9th Avenue, 914 feet +/- north centerline
Joppa Road

11th Election District — 5th Councilmanic District

Legal Owner(s): John & Gloria Meyers

Variance: to allow a front yard setback of 21.6 feet in lieu of the required average of 24.1 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 4/874 Apr. 29

171537

CERTIFICATE OF PUBLICATION

5/11, 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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 08-439-A

Petitioner/Developer: RICHARDS
TRUELOVE

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 9634 9th AVENUE

This sign(s) were posted on April 26, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 4/26/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONERS
IN TOWSON MARIAND

CASE # 08-439-A

PLACE: ROOM 106, COUNTY OFFICE BUILDING

111 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204

DATE: WEDNESDAY MAY 14, 2008

AT 9:00 AM

REQUEST: ~~RETRACT~~ TO ALLOW A 500' WIDE STRIP

OF 21.6 FEET IN LINE ON THE REAR LOT

AND ONE 20' WIDE

OVER

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION DEPARTMENT MANAGEMENT
211 N. EIGHTH STREET
TOWSON, MD 21204

CALL 887-3391

FOR MORE INFORMATION, PLEASE CONTACT THE ZONING DEPARTMENT AT 887-3391

**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.

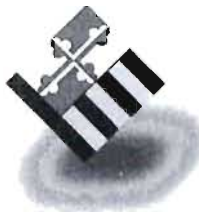
For Newspaper Advertising:

Item Number or Case Number: 08-439-A
Petitioner: John E. Meyers
Address or Location: 9634 9th Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: John E. Meyers
Address: 9636 Ninth Avenue
Baltimore, Maryland 21234

Telephone Number: 410-665-0741



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: 08-439-A

9634 9th Avenue

W/side of 9th Avenue, 914 ft. +/- north centerline Joppa Road

11th Election District – 5th Councilmanic District

Legal Owners: John & Gloria Meyers

Variance to allow a front yard setback of 21.6 feet in lieu of the required average of 24.1 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: 08-439-A

9634 9th Avenue
W/side of 9th Avenue, 914 ft. +/- north centerline Joppa Road
11th Election District – 5th Councilmanic District
Legal Owners: John & Gloria Meyers

Variance to allow a front yard setback of 21.6 feet in lieu of the required average of 24.1 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
MARYLAND

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: 08-439-A, 9634 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



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

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-439-A
9634 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-439-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,

A handwritten signature in blue ink that reads "Michael P. Bailey".

*Fos*¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 8, 2008

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 08- 418, 438 and 439- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

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.

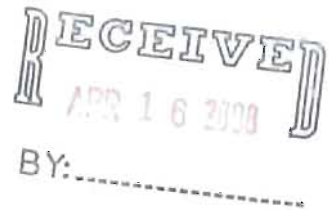
DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-03282008.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 16, 2008

SUBJECT: Zoning Item # 08-439-A
Address 9634 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 off the buffer approved in the variance is as shown on the attachment. 35-feet off the forest buffer limit is required by DEPRM on this lot. The actual required buffer is also shown on the attachment.

Reviewer: Paul Dennis Date: April 2, 2008

RE: PETITION FOR VARIANCE * BEFORE THE
9634 9th Avenue; W/S of 9th Avenue, *
914' N c/line Joppa Road * ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts *
Legal Owner(s): John & Gloria Meyers * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-439-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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

MAR 24 2008

Per.....

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 08-439-A 9634 9th AVENUE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Photo's - Vehicle Parking Restricts Emergency Vehicle Access @ END OF ROAD
No. 2	ZONING MAP to SHOW PATTERN OF DEVELOPMENT	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Photo's Placed
in file NO. 08-
418-A

Baltimore County
Office of Planning and Zoning
Official Zoning Map

TILE 071B2 # 439

Scale

1" = 200'

0 100 200 400
Feet

PETITIONER'S
EXHIBIT NO. **2**

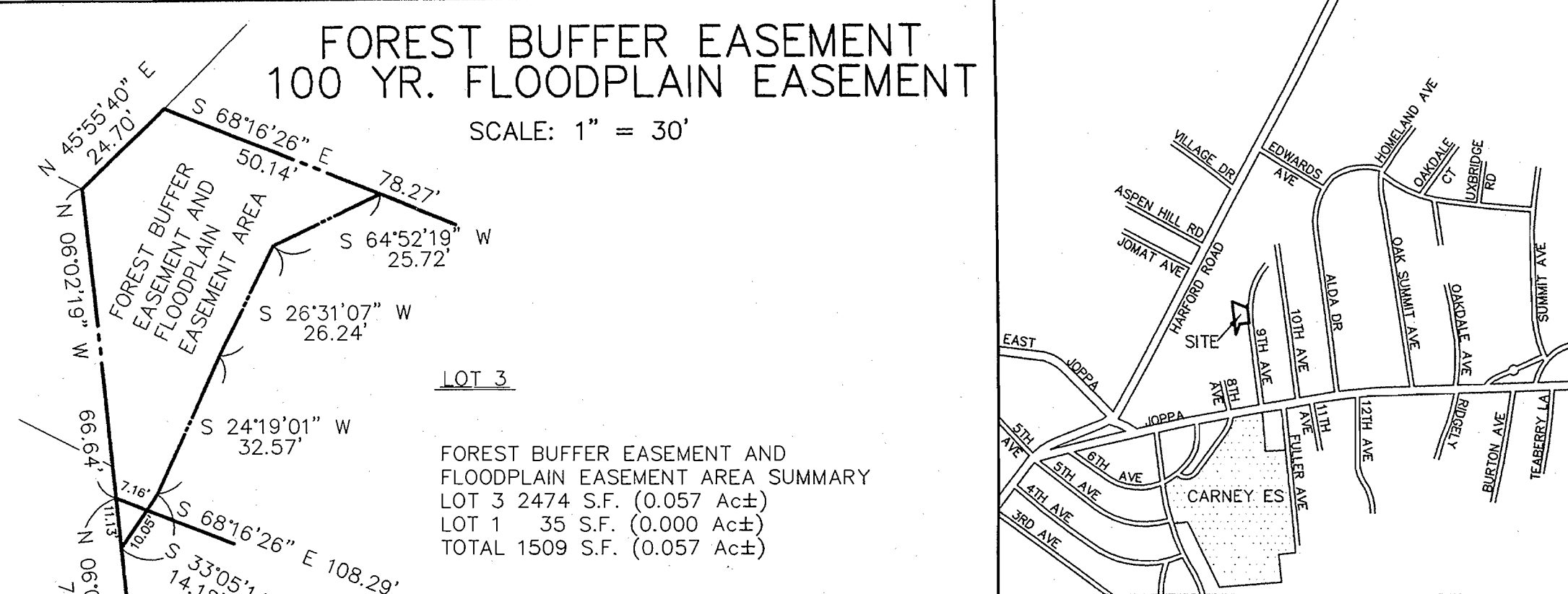


1. LOT AREA SUMMARY:			
LOT #1	EXISTING LOT AREA	7,334 S.F.	
	PLUS PARCEL "A"	166 S.F.	
	MINUS PARCEL "B"	6 S.F.	
	TOTAL AREA	7,494 S.F.	
	MINUS ROAD WIDENING		
- (893 S.F. + 9 S.F.) =		- 902 S.F.	
	NET AREA LOT #1	6592 S.F.	(0.151 Ac.+/-)
LOT #2	EXISTING LOT AREA	7,924 S.F.	
	MINUS ROAD WIDENING	- 423 S.F.	
	NET AREA LOT #2	7501 S.F.	(0.172 Ac.+/-)
LOT #3	EXISTING LOT AREA	10,262 S.F.	
	MINUS PARCEL "A"	166 S.F.	
	PLUS PARCEL "B"	6 S.F.	
	TOTAL AREA	10,102 S.F.	
	MINUS ROAD WIDENING	- 410 S.F.	
	NET AREA LOT #3	9692 S.F.	(0.222 Ac.+/-)

⚡	FIRE HYDRANT	0	PROPERTY CORNER
☀	LIGHT POLE	250	DRAIN INLET
⚙	GAS VALVE	—	CONC. CURB
⚙	GAS CAP	—	SIGN
⚙	WATER VALVE	70	UTILITY POLE
⚙	WATER METER	0-6	OVERHEAD UTILITY WIRES
⚙	WATER CAP	—	UNDERGROUND GAS MAINS
⚙	SEWER MANHOLE	—	UNDERGROUND WATER MAIN
⚙	ELECTRIC HANDBOX	—	UNDERGROUND SEWER LINE
⚙	MECHANICAL HANDBOX	—	UNDERGROUND STORM DRAIN
⚙	GAS HANDBOX	—	UNDERGROUND TELEPHONE
⚙	STORM DRAIN MANHOLE	—	—
⚙	SEWER MANHOLE	—	FENCE
⚙	ELECTRIC MANHOLE	—	—
⚙	WATER MANHOLE	—	TREE
⚙	TELEPHONE MANHOLE	CONC.	POLE OR CONCRETE

On January 10, 2008 a variance was granted by the Ballwinire 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.

SCALE: 1" = 30'



LOCATION MAP
SCALE: 1" = 1000'

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.

- 1) NO PRIOR CASES ARE ON RECORD IN THE ZONING OFFICE.
- 2) #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.)

3) EXISTING ZONING: DR 5.5 (see 200 scale zoning map 71B2)
5) PROPOSED ZONING: DR 5.5

- 6) EXISTING USE: SINGLE FAMILY DETACHED DWELLINGS
- 7) PROPOSED USE: SINGLE FAMILY DETACHED DWELLINGS
- 8) EXISTING DWELLINGS TO REMAIN.

11) OFF STREET PARKING
1. PARKING REQUIRED: 2 SPACES per DWELLING UNIT

12) 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)
9828: $(23.3' + 30.2')/2 = 26.8'$
9830: $(26.6' + 21.6')/2 = 24.1'$
9834: $(30.2' + 17.9')/2 = 24.1'$
SIDE - 10' MIN.
REAR - 30' MIN.

13) SETBACKS PROVIDED
#9828 FRONT = 19', #9830 FRONT = 30.2', #9834 FRONT = 21.6'
#9828 REAR = 30', #9834 SIDE = 10' (MIN)
#9828 REAR = 30', #9830 REAR = 28', #9834 REAR = 57'

14) 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.

15) THE 100 YEAR FLOODPLAIN AND STREAM BUFFER ARE SHOWN.

16) THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.

17) THERE ARE NO HISTORICAL BUILDINGS OR STRUCTURES ON THE SITE

1. A VARIANCE TO BC2Z SECTION 303.1 TO ALLOW A FRONT YARD SETBACK OF 19' IN LIEU OF THE REQUIRED AVERAGE OF 26.6' FOR #6628 NINTH AVENUE.
2. A VARIANCE TO BC2Z SECTION 303.1 TO ALLOW A FRONT YARD SETBACK OF 30.2' IN LIEU OF THE REQUIRED AVERAGE OF 24.1' FOR #6630 NINTH AVENUE.
3. A VARIANCE TO BC2Z SECTION 1802.3 C.1. TO ALLOW A REAR YARD OF 28' IN LIEU OF THE REQUIRED 30' FOR #6630 NINTH AVE.
4. A VARIANCE TO BC2Z SECTION 303.1 TO ALLOW A FRONT YARD SETBACK OF 21.6' IN LIEU OF THE REQUIRED AVERAGE OF 24.1' FOR #6634 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.

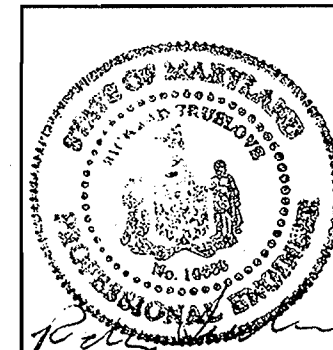
PLAN TO ACCOMPANY VARIANCE PETITION
...MEYERS PROPERTY...

#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)296-5326

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



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.

ZONING CLASSIFICATION	MINIMUM NET LOT AREA PER DWELLING UNIT IN SQUARE FEET	MINIMUM LOT WIDTH IN FEET	MINIMUM FRONT-YARD DEPTH IN FEET	MINIMUM WIDTH OF INDIVIDUAL SIDE YARD IN FEET	MINIMUM REAR-YARD DEPTH IN FEET
D.R. 5.5	6,000	55	25	10	30

EXISTING AND PROPOSED DWELLINGS AS SHOWN DICTATE 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.

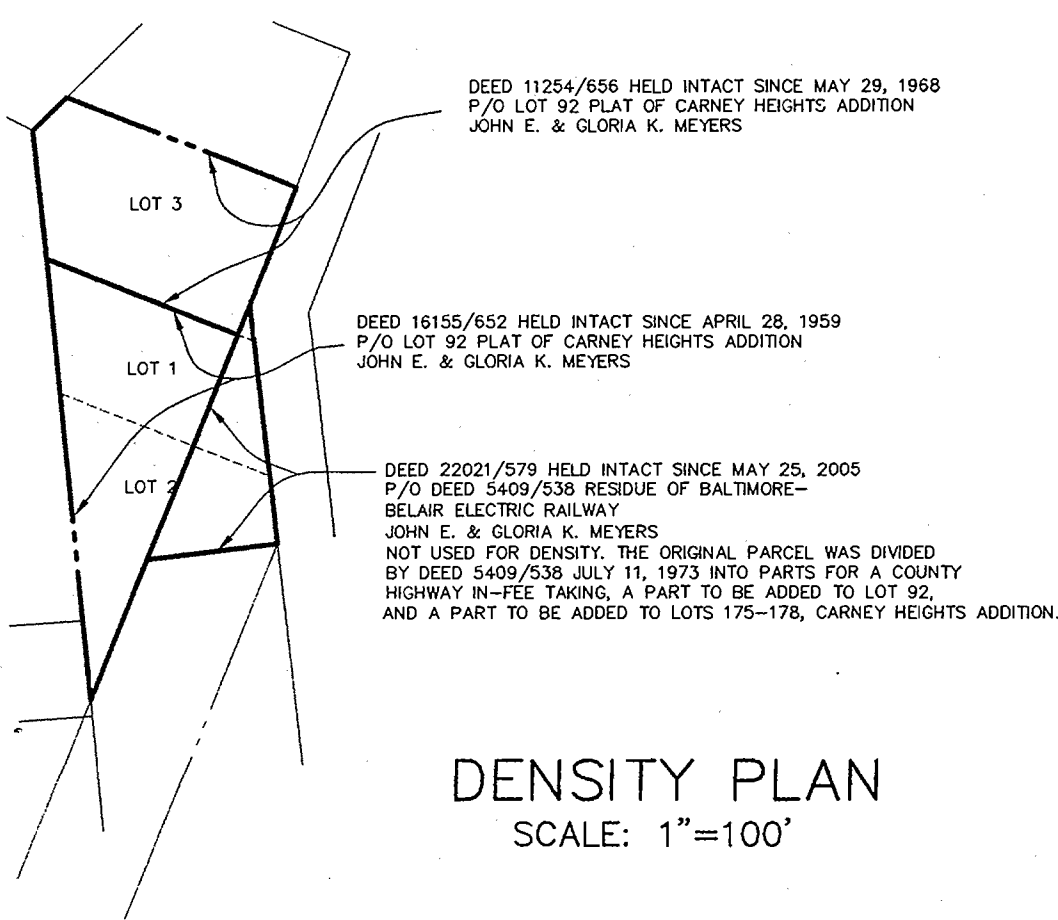
NOTE: THE BUILDING MATERIALS FOR THE PROPOSED DWELLING ON LOT 2 MUST BE CONSISTENT WITH THE SURROUNDING DWELLINGS.

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

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

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

DENSITY PLAN
SCALE: 1"=100'



NOTE:
THE LOT LINE ADJUSTMENT GRANTED BY 8
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.

d Projects R2\MEYERS PROP\dwg\ZONING PLAT.dwg, 03/06/2008 08:21:20 AM, RTPE, Inc.