

IN RE: PETITION FOR ADMIN. VARIANCE

W side of York Road, 1300 feet +/- S
of Old York Road
7th Election District
3rd Councilmanic District
(21010 York Road)

Manuel and Tammy Rivera
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0450-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Manuel and Tammy Rivera. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure to be located in the front and side yards in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

On April 23, 2008, the Undersigned called for a formal hearing on this matter based on a code enforcement violation associated with the matter. The hearing was subsequently scheduled for Thursday, June 19, 2008 at 11:00 am in Room 106 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

Appearing in support of the requested relief were Petitioners' representative Paul Heath, an employee of Petitioners, and their consultant, Bruce Doak, with Gerhold, Cross & Etzel, Ltd. Petitioners were unable to attend the hearing due to a prior out of town business obligation. Also in attendance as an interested citizen was Randy Shelley of 2601 Cotter Road, who owns property across the street from the subject property.

NOT RECORDED FOR FILING

6-24-08

pm

This matter is currently the subject of an active violation case (Case No. 08-0110) in the Division of Code Inspections and Enforcement. A citation for code violation was issued because a garage was razed and a new foundation being constructed, as well as a side second story porch being removed, all without the required permits. It should be noted that the fact that a code enforcement violation is issued is generally not relevant in this zoning case. This means that Petitioner cannot use the fact that a structure has been built or is under construction to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. Conversely, the fact that something may have been done which could violate the zoning regulations is not held against Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law, and is not the province of this office.

The subject property is rectangular in shape, contains 2.0 acres zoned R.C.5 and is located on the west side of York Road, south of Old York Road and west of Interstate 83 in the Parkton area of Baltimore County. The property is improved with the Petitioners' single-family home that was erected in 1866 and contains approximately 3,000 square feet. This property is also improved with a single-car garage (now razed) which was located on the north side of the property in the front yard, 22 feet from the property line at York Road. These structures obviously predate the zoning regulations.

As shown in the photographs and according to the summary marked and accepted into evidence as Petitioners' Exhibit 3, the existing garage was unusable and was in danger of collapsing due to a failing foundation. A number of attempts were made by Petitioners to repair and/or save as much of the garage as possible, since the dwelling -- known as "Spinster Hill" -- is

NOT RECORDED FOR FILING
6-24-08
[Signature]

on the historic register for Baltimore County; however, as shown in the photographs, the damage and deterioration of the garage over time made replacement of the entire structure the only alternative.

Petitioners razed the original structure and began building the foundation walls for a new garage when it was brought to their attention that a permit was needed. A stop work order was issued on March 13, 2008. According to Petitioners, the new garage will be in the exact same footprint as the original and will be constructed to match the aesthetics and character of the original garage and the historic character of the dwelling.

The property is historic and listed as #BA-2948 on the Maryland Historic Trust Inventory. The property is also on the County's Preliminary and Final Landmark List as #195 - "Spinster Hill" (Albert Woodruff House), 21010 York Road, Maryland Line vicinity. Prior to the hearing, Vicki Nevy in the Office of Planning was contacted to determine if the proposed improvements needed to be reviewed by the Landmarks Preservation Commission. At its April 15, 2008 meeting, the Baltimore County Landmarks Preservation Commission approved the construction related to replacement of an existing porch with an identical porch. According to Ms. Nevy, with regard to the garage, because there is no Historic Environmental Setting associated with this property, the LPC has no purview over the project; nonetheless, staff in her office would certainly recommend a new garage be compatible and in scale with the landmark structure.

Mr. Doak offered that the property has several unique features. The main dwelling is a historic structure built in 1866 and is on the historic register. The original garage itself was unusual because it predates the zoning regulations and was non-conforming with its placement in front of the dwelling and 22 feet from the property line. The property also slopes upward from the front to the back yard, making strict compliance with the zoning regulations by locating the

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6-24-08

structure to the rear very difficult. Petitioners want to keep the historic character of the property and keep it understated or "as is".

Mr. Shelley appeared as an interested citizen because he owns the property across the street. He expressed concerns over the location of the subject garage and its potential impact on his property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The original garage had deteriorated to such a state that the only alternative was to raze the structure and construct a new garage. This new garage is under construction and is on the exact footprint of the razed garage.

The imposition of the R.C. zoning disproportionately affects the subject property as compared to others in the district as the subject property was developed in 1866. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Petitioners would be unable to rebuild the much-needed garage on the footprint of the original garage.

Finally, I find the variance request can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The reconstructed garage measuring 14 feet by 18 feet in size will be constructed on the same footprint of the original garage.

~~RECEIVED FOR FILE~~

6-24-08

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 24th day of June, 2008 that a variance from 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure to be located in the front and side yards in lieu of the required rear yard is hereby GRANTED, subject to the following:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

6.24.08

pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 21010 YORK RD
which is presently zoned RC-5

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

AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT ^{side} YARDS IN LIEU OF THE REQUIRED ~~10~~ REAR YARD.

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:

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):

MANUEL RIVERA
Name - Type or Print _____
Signature _____
TAMMY RIVERA
Name - Type or Print _____
Signature Tammy R
21010 YORK RD 410
Address Telephone No. 357-0119
PARKTON, MD 21120
City State Zip Code

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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 2008-450-A

Reviewed By [Signature] Date 3.27.08

REV 10/25/01

Estimated Posting Date 4.6.08

6.24.08

ps

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 21010 YORK RD
Address
PARKTON MD 21120
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):

SINGLE CAR GARAGE ON HISTORIC
PROPERTY. REBUILD ON SAME FOOT
PRINT. IDENTICAL TO ORIGINAL.
SIZE 14' X 18'. TRIED TO SAVE
EXISTING STRUCTURE BUT DELAY
WAS TOO EXTENSIVE.

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]
Signature
MANUEL RIVERA
Name - Type or Print

[Signature]
Signature
Tammy LK Rivera
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of March, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Manuel Rivera and Tammy Rivera
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 8/28/08

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

21010 YORK RD
Address

PARKTON MD
City State

21120
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):

SINGLE CAR GARAGE ON HISTORIC
PROPERTY. REBUILD ON SAME FOOT
PRINT. IDENTICAL TO ORIGINAL.
SIZE 14' x 18'. TRIED TO SAVE
EXISTING STRUCTURE BUT DELAY
WAS TO EXTENSIVE.

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

MANUEL RIVERA
Name - Type or Print

Signature

Tammy LK Rivera
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of March, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Manuel Rivera and Tammy Rivera

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

AS WITNESS my hand and Notarial Seal



Melinda Apple
Notary Public

My Commission Expires 9/28/2008



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 21010 YORK RD
which is presently zoned _____

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 ; BCZR, TO

PERMIT AN ACCESSORY STRUCTURE TO BE
LOCATED IN THE FRONT & SIDE YARDS
IN LIEU OF THE REQUIRED REAR YARD

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:

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):

MANUEL RIVERA
Name - Type or Print _____

Signature _____

TAMMY RIVERA
Name - Type or Print _____

Signature _____

21010 YORK RD 410
Address Telephone No. _____

PARKTON, MD 21120
City State Zip Code _____

Representative to be Contacted:

Name _____

Address _____

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 2008-450-A

Reviewed By gcm Date 3.27.08

REV 10/25/01

Estimated Posting Date 4.6.08

6.24.08

ps

LEGAL DESCRIPTION

BEGINNING FOR THE SAME at a pipe set in the southwest right of way line of the York Road and in the sixth line of a parcel of land which, by Deed dated August 4, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4498, Folio 142, was conveyed by William U. Hooper and wife to The Laurie Corporation, said pipe being distant South 24 degrees 53 minutes 30 seconds East 332.33 feet measured along said sixth line from the beginning thereof and running thence with and binding on a part of the sixth and seventh lines of said parcel of land and binding on the southwest right of way line of the York Road the two following lines, viz: South 24 degrees 53 minutes 30 seconds East 152.64 feet to a pipe and southeasterly by a line curving toward the right, having a radius of 1876.86 feet for a distance of 47.37 feet, (the chord of said arc bearing South 24 degrees 10 minutes 07 seconds East 47.36 feet) to a pipe, and thence leaving the York Road and running for lines of division the three following courses and distances, viz: South 65 degrees 06 minutes 30 seconds West 434.40 feet to a pipe, North 24 degrees 53 minutes 30 seconds West 200 feet to a pipe and North 65 degrees 06 minutes 30 seconds East 435.00 feet to the place of beginning: containing 2.00 acres of land, more or less and the improvements thereon.

The improvements thereon being known as 21010 York Road.

Tax ID # (07) 16-00-002804.

Said property being in fee simple.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **12119**

Date: **3-27-08**

PAID RECEIPT

BUSINESS ACTUAL TIME
 3/27/2008 3/27/2008 15:20:39 2

002 MAIL JENNA JEE
 >>RECEIPT # 570844 3/27/2008 OFUJ

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

Dept 5 528 ZIMING VERIFICATION
 012119

Receipt Tot 65.00
 4.00 TX 65.00 CA
 Baltimore County, Maryland

Total: **65.00**

Rec From: **M. Rivera**

For: **08-450-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: #2008-0450-A

21010 York Road

W/side of York Road, 1300 feet

+/- south of Old York Road

7th Election District

3rd Councilmanic District

Legal Owner(s): Manuel & Tammy Rivera

Variance: to permit an accessory structure to be located in the front and side yards in lieu of the required rear yard.

Hearing: Thursday, June 19, 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 Commissioner's Office at (410) 887-3868.

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

JT 6/633 June 3 175169

CERTIFICATE OF PUBLICATION

6/5/, 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 6/3/, 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

Date: 4/6/08

RE: Case Number: 08-450-A

Petitioner/Developer: Manuel and Tammy Rivera

Date of ~~Hearing~~/Closing: 4-21-08

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 21010 York Rd

The sign(s) were posted on 4/6/08
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 08-450-A

TO PERMIT AN ACCESSORY STRUCTURE
TO BE LOCATED IN THE FRONT AND
SIDEYARDS IN LIEU OF THE REQUIRED
REAR YARD

PUBLIC HEARING ?

PURSUANT TO SECTION 25-122(b)(1), BALTIMORE COUNTY MAY
IN EXERCISE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU
5:00 P.M. ON 4-24-09
ADDITIONAL INFORMATION
PERMITS AND ZONING

**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: 450

Petitioner: MANUEL RIVERA

Address or Location: 21010 YORK RD, PARKTON

PLEASE FORWARD ADVERTISING BILL TO:

Name: MANUEL RIVERA

Address: 21010 YORK RD

PARKTON, MD 21120

Telephone Number: 410 357-0119

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 450 -AAddress 21010 York Rd.Contact Person: J. MERNAY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3.27.08Posting Date: 4/6Closing Date: 4/21

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- 450 -AAddress 21010 York RdPetitioner's Name MAYUEL RIVERATelephone 410-357-0119Posting Date: 4/6/08Closing Date: 4/21/08

Wording for Sign: To Permit A VARIANCE AN ACCESSORY STRUCTURE TO BE
LOCATED IN THE FRONT AND SIDE YARDS IN LIEU
OF THE REQUIRED REAR YARD.

WCR - Revised 6/25/04

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 22, 2008

Manuel Rivera
Tammy Rivera
21010 York Road
Parkton, Maryland 21120

Dear Mr. and Mrs. Rivera:

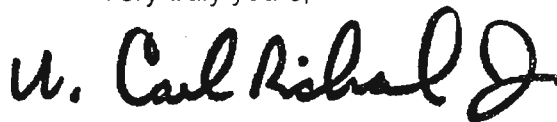
RE: Case Number: 2008-0450-A, 21010 York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 27, 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



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

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

Maryland Department of Transportation

Date: APRIL 14, 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. 8-450-A
21010 YORK ROAD
RIVERA PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 4/14/08. A field inspection and internal review reveals that the existing entrance onto MD 45 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 21010 YORK ROAD, Case Number 8-450-A approval.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 21, 2008

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

RECEIVED
APR 23 2008

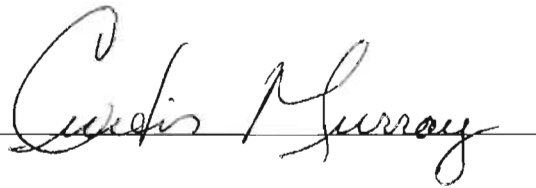
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-450- Administrative 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For April 21, 2008
Item Nos. 08-450, 451, 452, 453, 454,
456, 457, 458, 459, 460, 462, 463, 464,
465, 466, 468, 469.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC- 04162008-NO COMMENTS

2008-450-A

08/27/08

Note to File: I advised the applicant that his site plan was lacking and showed him a sample plan in the petition room. On his second visit, the site plan was slightly better. He chose to file as-is.

JCM

From: Patricia Zook
To: Matthews, Kristen
Date: 4/23/2008 1:30:59 PM
Subject: Case No. 08-450-A located at 21010 York Road (administrative variance)

Hi Kristen -

Please see the attached memo regarding this case.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 08-450-A located @ 21010 York Road

From: Patricia Zook
To: Nevy, Vicki
Date: 4/23/2008 1:07 PM
Subject: Case 08-450-A located @ 21010 York Road
CC: Bostwick, Thomas

Hello Vicki -

We are in receipt of an administrative variance request for property located at 21010 York Road. The file mentions that the property is historic and the case description is listed below. The file also contains a code violation packet which indicates that the Petitioner tore down an existing garage and is rebuilding a new one, and is also rebuilding an existing side porch. Are these improvements something that should be reviewed by the Landmarks Preservation Commission?

I found this landmark information for the site on the County's website:

Preliminary and Final Landmarks Lists

195. "Spinster Hill" (Albert Woodruff House), 21010 York Road, Maryland Line vicinity

Maryland Historic Trust Inventory #BA-2948

Case Description:**CASE NUMBER: 450**

21010 York Road

Location: W side of York Road, 1300 feet +/- S of Old York Road.

7th Election District, 3rd Councilmanic District

Legal Owner: Manuel and Tammy Rivera

4/21/2008

ADMINISTRATIVE VARIANCE To permit an accessory structure to be located in the front and side yards in lieu of the required rear yard.

I'll keep the file on my desk until I hear from you. Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



MARYLAND HISTORICAL TRUST

(Historic Sites Survey)

MSA SE5

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Name	Street	Town	County	Site No.
(No Documentation on File)	21010 York Road	Maryland Line	Baltimore County	BA-2948

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Maryland Line , Baltimore County, BA-2948

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Patricia Zook - RE: Case Number 2008-0450-A

From: "Jake Rivera" <jrivera@designandintegration.com>
To: "Patricia Zook" <pzook@baltimorecountymd.gov>
Date: 6/11/2008 2:36 PM
Subject: RE: Case Number 2008-0450-A
CC: "Bruce Doak" <bdoak@gcelimited.com>, "Paul Heath" <pheath@designandintegration.com>

Patti:

Thank you for getting back to me. Paul Heath and Bruce Doak will be attending the hearing on my behalf. Paul Heath is an employee of mine who is familiar with the project and Bruce is a personal acquaintance who is a principle at Gerhold, Cross & Etzel. Please see my comments below in red italic

Jake Rivera, Pres.
Design & Integration Inc
Tel.: 410 467-2815

-----Original Message-----

From: Patricia Zook [mailto:pzook@baltimorecountymd.gov]
Sent: Wednesday, June 11, 2008 11:35 AM
To: Jake Rivera
Cc: Thomas Bostwick
Subject: Case Number 2008-0450-A

Good morning Mr. Rivera -

The Deputy Zoning Commissioner asked me to respond to your inquiry of June 10.

It has consistently been the policy of the Zoning Commissioner's Office to schedule a public hearing on matters that are the subject of active violation cases. Your property is currently the subject of active violation case #08-0110. I believe the violation is due to construction without obtaining the required permits.

A representative may attend the meeting on your behalf. We will require a letter from you indicating this representative is designated by you. ***Do you need the letter now or can it be included in the statement? I have already prepared a statement that indicates Paul Heath as my representative, and I've had it notarized. Will this suffice?***

You may submit a statement in support of your variance request at the hearing. This statement will be accepted as an exhibit and become part of the case file.

We also note that your property is historic and listed as #BA-2948 on the Maryland Historic Trust Inventory. The property is also on the County's Preliminary and Final Landmark List as #195 - Spinster Hill (Albert Woodruff House). You may want to contact Vicki Nevy in the Office of Planning at 410-887-3211 or 410-887-3480 to determine if the proposed improvements need to be reviewed by the Landmarks Preservation Commission. ***The house is on the historic register but the property is not. I have already checked on this with Karen Brown in the Landmarks Preservation office.***

I hope this e-mail has responded to your inquiry.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

From: Patricia Zook
To: jrivera@designandintegration.com
Date: 06/11/08 11:34:42 AM
Subject: Case Number 2008-0450-A

Good morning Mr. Rivera -

The Deputy Zoning Commissioner asked me to respond to your inquiry of June 10.

It has consistently been the policy of the Zoning Commissioner's Office to schedule a public hearing on matters that are the subject of active violation cases. Your property is currently the subject of active violation case #08-0110. I believe the violation is due to construction without obtaining the required permits.

A representative may attend the meeting on your behalf. We will require a letter from you indicating this representative is designated by you.

You may submit a statement in support of your variance request at the hearing. This statement will be accepted as an exhibit and become part of the case file.

We also note that your property is historic and listed as #BA-2948 on the Maryland Historic Trust Inventory. The property is also on the County's Preliminary and Final Landmark List as #195 - Spinster Hill (Albert Woodruff House). You may want to contact Vicki Nevy in the Office of Planning at 410-887-3211 or 410-887-3480 to determine if the proposed improvements need to be reviewed by the Landmarks Preservation Commission.

I hope this e-mail has responded to your inquiry.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

CC: Bostwick, Thomas

Thomas Bostwick - Case Number 2008-0450-A

From: "Jake Rivera" <jrivera@designandintegration.com>
To: <tbostwick@baltimorecountymd.gov>
Date: 05/29/08 12:19 PM
Subject: Case Number 2008-0450-A

Thomas H. Bostwick, Deputy Zoning Commissioner
Baltimore County, Office of Planning
410-887-3868

Deputy Commissioner Bostwick:

My name is Jake Rivera. I am writing regarding my Case Number 2008-0450-A. I've been told by the zoning office that at your request, a public hearing has been scheduled for June 19, 2008.

While I am dismayed that a public hearing is necessary to grant a property owner permission to repair/rebuild a small single car garage, I understand we as a civil society must have rules and processes. The reason I am writing to you today is my wife and I have an out of town business obligation in mid-June that would not make us directly available for the hearing. I was told by the zoning office that I could have someone else represent me.

The garage sits forward and to the right of our house. It's been on hold for over two months. It's unsightly and we want to get this process completed so we can get our property put back together. I just want to confirm with you that we can send a representative. Can I address your concerns in a statement? Are there any issues that I should brief our representative on?

Respectfully Yours,

Jake Rivera
21010 York Road
Parkton, MD 21120

Jake Rivera, Pres.
Design & Integration Inc
Tel.: 410 467-2815



*for June
at 11?*

From: Vicki Nevy
To: Zook, Patricia
Date: 4/23/2008 1:54:30 PM
Subject: Re: Case 08-450-A located @ 21010 York Road

Patty,

The Commission recently reviewed the replacement of the porch (see attached). With regard to the other garage, because there is no Historic Environmental Setting associated with this property, LPC has no purview over the project. Staff would certainly recommend a new garage be compatible and in scale with the landmark structure.

Let me know if you have other questions. Thanks for checking.

Vicki

CC: Brown, Karin; Rising, Teri

BALTIMORE COUNTY, MARYLAND
Office of Planning
Memorandum

TO: Donald Brand
Buildings Engineer

DATE: April 15, 2008

FROM: Vicki Nevy, Administrator/Secretary
Landmarks Preservation Commission

SUBJECT: 21010 York Road, Parkton
County Inventory # CI-2948 (MIHP # BA-2948)
Final Landmark # 195

At its April 15, 2008 meeting, the Baltimore County Landmarks Preservation Commission approved the construction of a replacement of an existing porch with an identical porch at 21010 York Road. This memo constitutes a notice to proceed in accordance with *Baltimore County Code* Section 32-7-405.

VKN:vkn

c. Manuel & Tammy Rivera
21010 York Road
Parkton, MD 21120

Doug Swam

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

08-450-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 15, 2008

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

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

SUBJECT: Item No.: 450
Legal Owner/Petitioner: Rivera, Manuel & Tammy
Contract Purchaser: N/A
Property Address: 21010 York Rd.
Location Description: W/side of York Rd., 133' +/- S/Old York Rd.

VIOLATION INFORMATION: Case No. 08-0110
Defendants: Rivera, Manuel & Tammy

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
------	---------

Gribblepark@aol.com

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|--------------------------|-----|---|
| X | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 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/kh
C: Code Enforcement Officer

PDM Inspect - 21010 York Rd

From: PDM Inspect
To: gribblepark@aol.com
Subject: 21010 York Rd

I inspected the site & found a garage that was razed & a new foundation being constructed, also a side 2nd story porch removed, to be rebuilt. A permit was applied for the porch which is on hold for the Historical Review on 04/15/08. Homeowner also has applied for a permit for the garage but a variance is required for that. I will re-check it on April 18th. If you have any other questions regarding this, I can be reached Monday - Friday, 7:30 am - 8 am or 3 pm - 3:30 pm at 410-887-3953.

Jake Kemp
Code Inspection & Enforcement Officer

Sent - 3-17-08

CODE ENFORCEMENT REPORT

DATE: 3/12/8 INTAKE BY: Web-site CASE #: 08-0110 INSPEC: JK

COMPLAINT LOCATION: 21010 York Rd

ZIP CODE: 21120 DIST: _____

COMPLAINANT NAME: Gribblepark @ Pub.com PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: Tore down existing garage & rebuilding new one. Also rebuilding existing side porch

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

TAX ACCOUNT #: 16 00 002804 ZONING: _____

INSPECTION: 3/13/8 Site Insp. - garage razed, new end. being const. also side 2nd story porch removed and to be rebuilt. Permits req'd for both. No permits on

REINSPECTION: Eide, B009389 applied for, on hold for historical review, (4/15/8) for porch. H/O also applied for garage rebuild permit. Variance req'd. for Accessory

REINSPECTION: Structure in front ~~of~~ yard. RC 4/17/8

REINSPECTION: _____

[Handwritten signature]

Case Entry/Update

Format : CASREC

Mode . . . : CHANGE

File . . . : PDLV0001

Dt Rec: 3172008 Intake: E-MAIL Act: Case #: 08/0110

Insp: KEMP, J Insp Grp: ENF Insp Area: 17 Tax Acct: 1600002804

Address: 21010 YORK RD Apt #: Zip: 21120

Owner: RIVERA, MANUEL & TAMMY

Problem Descript.: TORE DOWN EXISTING GAR. & REBLDG. NEW ONE ALONG WITH SIDE PO
RCH W/O PERMITS

Complainant Name (Last): GRIBBLEPARK (First): @AOL.COM

Complainant Addr:

Complainant City: State: Zip:

Complainant Phone (H): (W):

Date of Reinspection: 4172008 Date Closed: Delete Code (P):

F3=Exit

F9=Insert

F5=Refresh

F10=Entry

F6=Select format

F11=Change

Case Entry/Update

Format : CASREC

Mode . . . : CHANGE

File . . . : PDLV0001

Notes: 03/13/08 SITE INSP.-GAR. RAZED, NEW FDN. BEING CONSTR. ALSO SIDE 2ND STORRY PORCH REMOVED & TO BE REBLT. PERMITS REQ'D FOR BOTH. NO PERMITS ON FILE. B689389 APPLIED FOR-ON HOLD FOR HISTORICAL REVIEW (4/15/08) FOR PORCH. H/OWNER ALSO APPLIED FOR GAR. REBUILD PERMIT. VAR. REQ'D FOR ACCES. STRUC. IN FRONT YD. P/U 04/17/08. J.KEMP/KH.***

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

Mainframe - A - M268070

File Edit View Communication Actions Help

Jump Same Save and Exit Send Recv Copy Paste Print Remap Color Play Macro... Record Macro... Stop Macro Pause Macro Run Apple... Information Center

RA1001B

DATE: 03/17/2008 STANDARD ASSESSMENT INQUIRY (1)
 TIME: 08:10:40

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
16 00 002804	07	2-0	04-00	H	NO		02/15/08
RIVERA MANUEL J				DESC-1.. IMPS2.00 AC			
RIVERA TAMMY L				DESC-2.. 3350FT S TURNERS CROSSN			
21010 YORK RD				PREMISE. 21010 YORK RD			
							00000-0000

PARKTON MD 21120-9248 FORMER OWNER: ORENDORFF P BARRETT

FCV			PHASED IN		
PRIOR	PROPOSED		CURR	CURR	PRIOR
			FCV	ASSESS	ASSESS
LAND: 99,000	143,000				
IMPV: 118,620	206,300	TOTAL..	261,513	261,513	217,620
TOTL: 217,620	349,300	PREF...	0	0	0
PREF: 0	0	CURT...	261,513	261,513	217,620
CURT: 217,620	349,300	EXEMPT.		0	0
DATE: 07/04	07/07				

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

ASSESS: 261,513	11/10/07
ASSESS: 217,620	
ASSESS: 0	

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

MA + a 01/001

PF1	PF2	PF3	PF4	PF5	PF6	Enter	PA1	Alt	Insert	NewLine
PF7	PF8	PF9	PF10	PF11	PF12	Clear	PA2	SysReq	Delete	NextPage

Connected to server/host bcpprod1.co.ba.md.us and port 992

start Mainframe - A - M268070 bcpprod1.co.ba.md.us:992 0:11 AM

PLEASE PRINT CLEARLY

PETITIONER'S

CASE NAME

CASE NUMBER 08-450-A

DATE 6-19-08

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Bruce E. Doak

320 E. TOWSONTOWN BLVD

TOWSON MD 21286

GERHOLD CROSS & ETZEL

Paul Heath

1001 Rectory Lane

Baltimore, MD 21211

CASE NAME _____
CASE NUMBER 08-450-A
DATE 6-19-08

[illegible]

21100

1600005028

Pt. Bk. 35 Folio 17

21014

1600005029

CATTERSON PROPERTY (PDM File/Project # MS 06067)

0703000525

YORK RD

0703000529

Flood Zone X

007B1

RC 5

21010

1600002804

1600005033

0702086150

KRUG, FRANCIS PROPERTY (RESUB OF LOT 5 - COUNTY NORTH) (PDM File/Project #)

1600005030

2200000220

1600005031

21000

21004

21006

20925

Case No.: 2008-0450-A

Exhibit Sheet

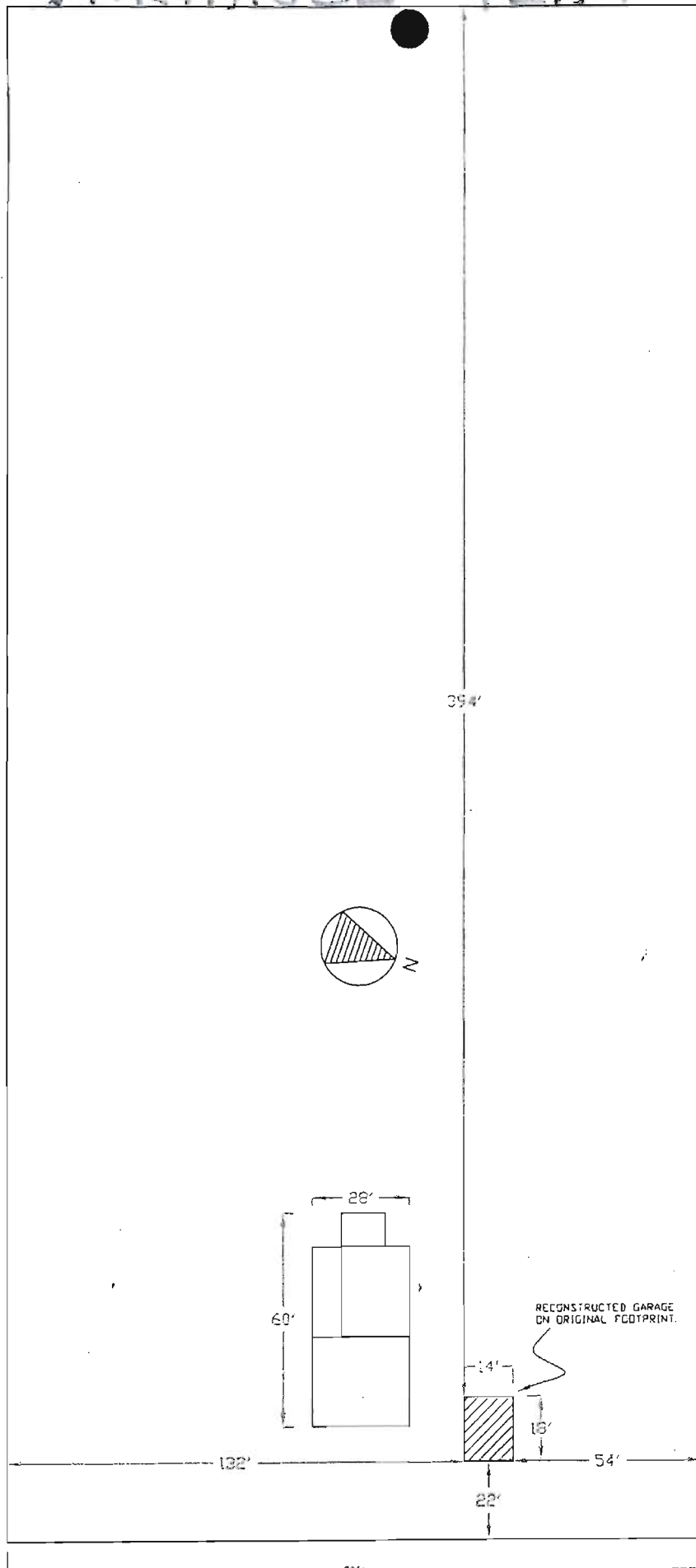
Petitioner/Developer

Protestant

No. 1	<i>site plan</i>	
No. 2	<i>Affidavit from Reb.</i>	
No. 3	<i>photos and summary from Petitioner</i>	
No. 4 A-E	<i>photos of garage</i>	
No. 5 A-M	<i>photos of site</i>	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

VARIANCE PLAT

NOT WITHIN 200' OF ANY STRUCTURE ON ADJACENT PROPERTIES.



YORK ROAD

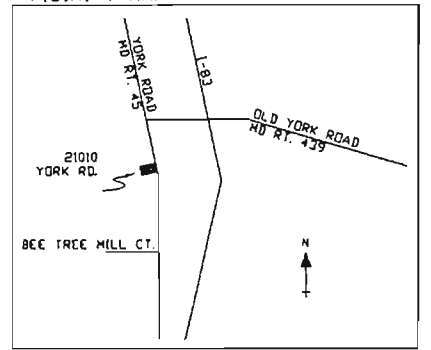
NOT WITHIN 200' OF ANY STRUCTURE ON ADJACENT PROPERTIES.

PROPERTY:
21010 YORK ROAD
PARKTON, MD 21120

PROPERTY TAX ID: 16000002804
MAP# 7
PARCEL# 194

OWNERS:
MANUEL & TAMMY RIVERA

VICINITY MAP



AREA: 2.0 ACRES

ZONING: RC-5

ED: 7TH

CD: 3RD

PETITIONER'S

EXHIBIT NO. 1



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 21010 YORK RD
which is presently zoned _____

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; BC2R TO

PERMIT AN ACCESSORY STRUCTURE TO BE
LOCATED IN THE FRONT & SIDE YARDS
IN LIEU OF THE REQUIRED REAR YARD

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:

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):

MANUEL RIVERA
Name - Type or Print _____

Signature _____

TAMMY RIVERA
Name - Type or Print _____

Signature _____

21010 YORK RD 410
Address Telephone No. _____

PARKTON, MD 21120
City State Zip Code _____

Representative to be Contacted:

Name _____

Address _____

Telephone No. _____

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. _____

Reviewed By _____ Date _____

REV 10/25/01

Estimated Posting Date _____



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 21010 YORK RD
which is presently zoned _____

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; BCZR TO

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IN LIEU OF THE REQUIRED REAR YARD

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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):

MANUEL RIVERA
Name - Type or Print _____

Signature _____

TAMMY RIVERA
Name - Type or Print _____

Signature _____

21010 YORK RD 410
Address Telephone No. _____

PARKTON, MD 21120
City State Zip Code _____

Representative to be Contacted:

Name _____

Address _____

Telephone No. _____

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. _____

Reviewed By _____ Date _____

REV 10/25/01

Estimated Posting Date _____

Manuel (Jake) & Tammy Rivera
21010 York Road
Parkton, MD 21120

CASE NUMBER: 2008-0450-A

PROJECT: SINGLE CAR GARAGE



IMG. 1



IMG. 2



IMG. 3

Project Description

A small single car garage that fronts out onto York Road was in danger of collapsing due to a failing foundation. The 14' x 18' structure (252 sq ft) had a dirt floor, poured concrete foundation walls on three sides that came up to just above ground level, timber framing, and was sheathed in vertical tongue and groove boards. The roof was 2' x 4' framing, plywood sheathing, with asphalt shingles. See image 1.

The north wall had the most severe damage with a long horizontal crack about 1 foot off the ground and another vertical crack from top to bottom that produced extreme bulging. The rear wall also had extensive cracking.

Project History

Our house, "Spinster Hill", is on the historic register for Baltimore County. The garage is not included on the register but as good stewards, a plan was laid to lift the wooden portion of the structure, so that it could be preserved. Unfortunately, as the foundation walls failed over time, the sills got lower and lower, until they were in contact with the ground. The sills had severely deteriorated from contact with the ground. This combined with racking, bowing, and sagging of the frame made lifting the garage impractical. See image 2 and 3.

We went through several failed variations of "save the garage" until finally all we were left with was the front facade, and that would soon follow suit as it was discovered that the front wall was supported by two post, set into the soil, that were rotted halfway through below grade. Unless you've never lived in, or tried to repair, an old home you'll recognize all of this as part and parcel to "This Old House". Nothing ever goes easy.

By the time the masonry contractor came expecting to find a jacked up garage all he found was the last remnants of the front façade. After some discussion it was decided to tear it all down, start over on the same footprint, and rebuild it to the same size and style.

PETITIONER'S

EXHIBIT NO.

3

E 1

Permit

At the onset of the project I discussed the permit issue with several friends, an excavator, and our mason; we all agreed that since we were only fixing the foundation a permit would not be necessary. Obviously, as the project degenerated the need for a permit should have become more apparent. A complaint was filed by a neighbor who is developing a lot directly across from our historic home. We have protested their project due to its impact on our investment. Regardless of this sparring, if a permit was required we should have gotten one. On 3/13/08 Baltimore County inspector, Jake Kemp, stopped by to fill me in on the complaint, my need for a permit, and instructed me to stop work. All work stopped on 3/13/08. It's been almost three months now, and we would like to get back to the care and upkeep of our property. See image 4.

New Garage



IMG 4 – Progress as of 3/13/08

The new garage will be constructed to match the aesthetic of the old garage. The foundation is concrete block back loaded with steel rebar and concrete. There will be a poured concrete floor. Above the foundation will be stick framing clad with vertical tongue and groove boards. The roof will have a similar pitch as the old garage, constructed from 2' x 6' framing, plywood sheathing, and asphalt shingles. A single car carriage house door will replace the old swing out doors.

Closing Statement

I've learned a few important matters of Baltimore County policy over the past few months. I should have inquired into a permit at the outset of this project instead of speculating. As a result my property has been left standing in disarray, and the convenience of the garage has been lost to us as we wait for approval. This is solely my oversight and I've borne the consequence.

We are now seeking to complete our permit request. We want to rebuild our garage in the same exact location, on the same footprint, in the same vernacular. It's a compliment to our historical home and keeping with the home's history.

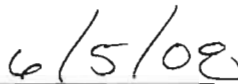
My wife and I could not be in attendance; we are both out of town on business that could not be rescheduled. Paul Heath is representing us. Paul is an employee of ours who is familiar with our garage project.

I am available via my cell phone (443 250-4019) should you like to speak to me directly.

Thank you for your consideration.



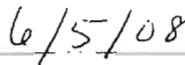
Jake Rivera
Parkton, MD



Date



Notary



Date





Address **21010 York Rd**
Parkton, MD 21120

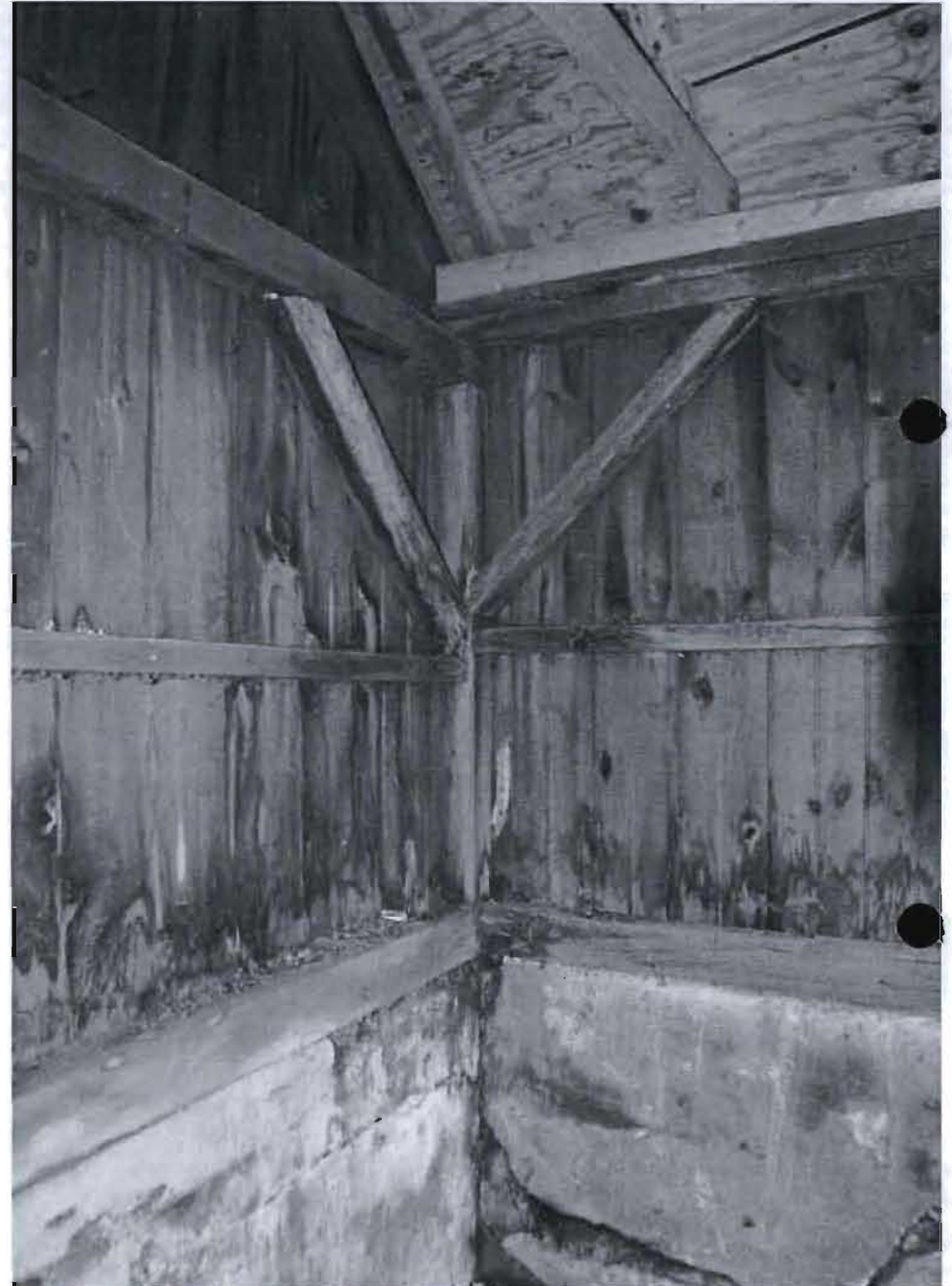
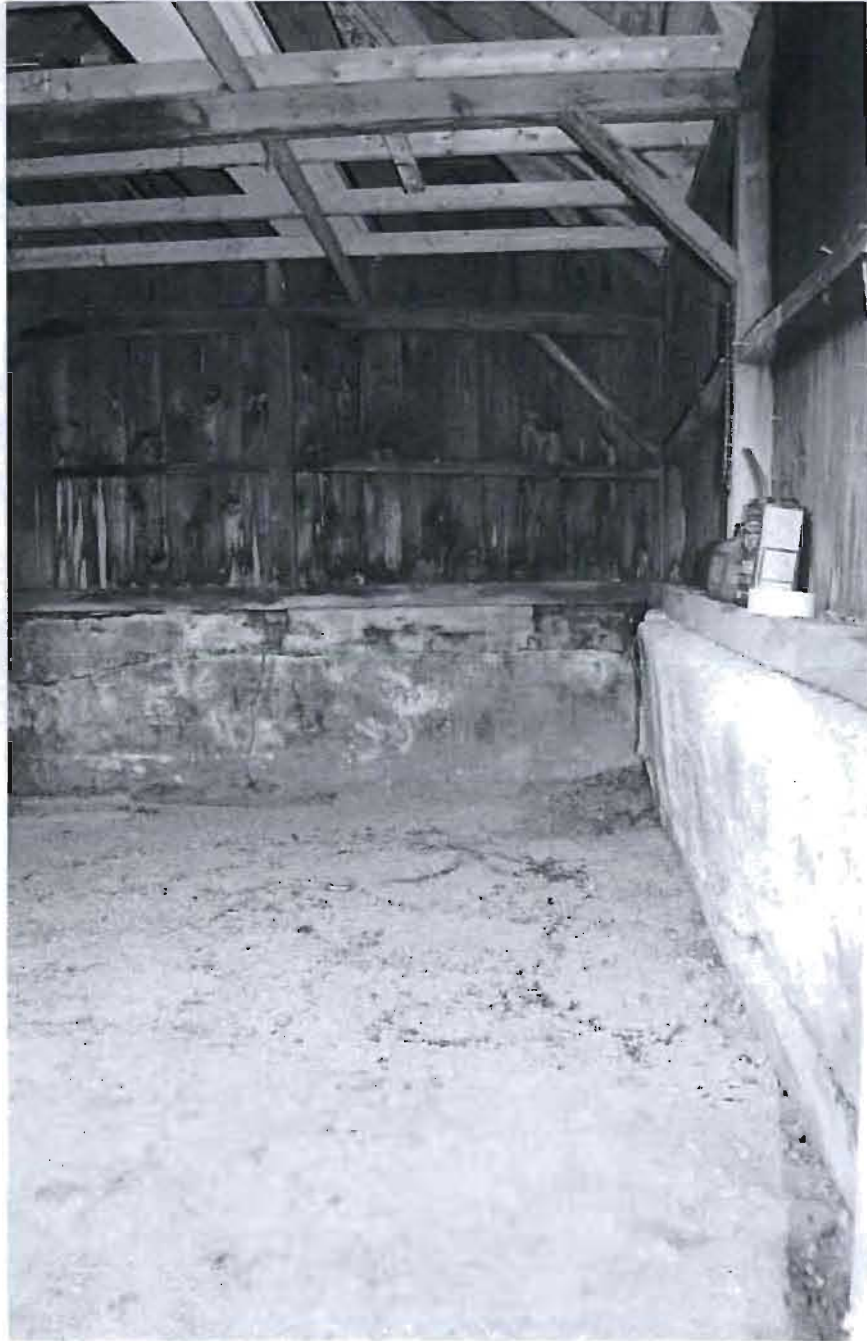


EXHIBIT NO.

PETITIONER'S

4-A-E

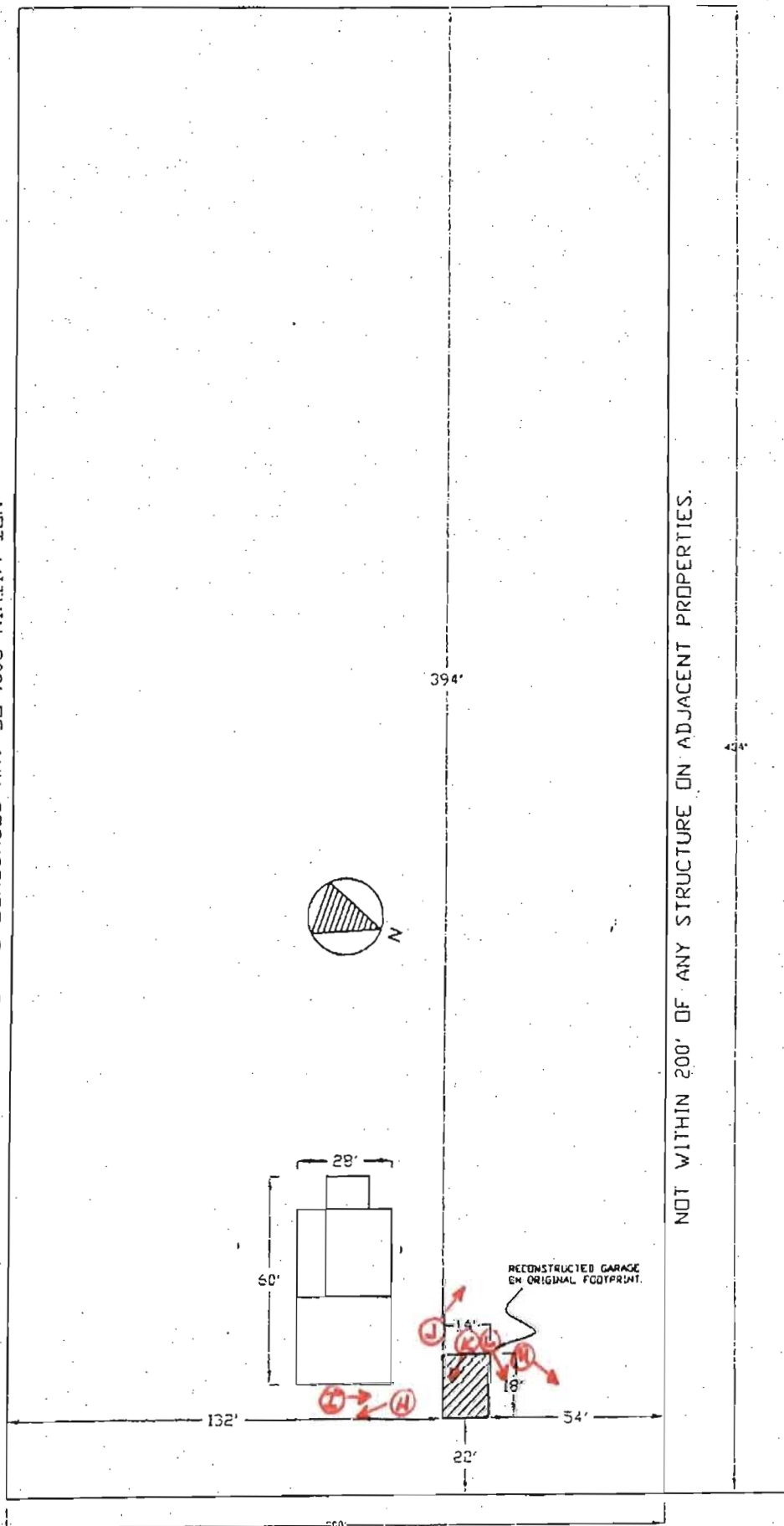








NOT WITHIN 200' OF ANY STRUCTURE ON ADJACENT PROPERTIES.



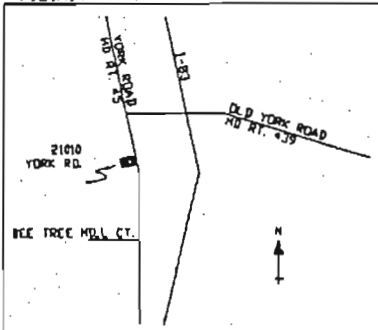
YORK ROAD

PROPERTY:
21010 YORK ROAD
PARKTON, MD 21120

PROPERTY TAX ID: 16000002804
MAP# 7
PARCEL# 194

OWNERS:
MANUEL & TAMMY RIVERA

VICINITY MAP



*Plan To Accompany
Photographs*

PETITIONER'S

EXHIBIT NO. 5A-M



