

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Kemp Road, 10 feet E c/l
of intersection of Maple Grove Road
4th Election District
3rd Councilmanic District
(5042 Kemp Road)

Leroy and Ann Meads
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2009-0016-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Leroy and Ann Meads for property located at 5042 Kemp Road. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front addition with a 67 feet setback to the centerline of the front street in lieu of the required 75 feet and to permit an existing 28 feet side yard setback in lieu of the required 35 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an a modest addition onto the front of their home. The current room size is inadequate for Petitioners' potential medical requirements that include the use of a wheelchair and hospital bed. The subject property contains 38,115 square feet and is served by private sewer and water.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated August 19, 2008 which indicates that prior to building permit approval, the locations of the well and septic system must be shown on the site plan. An evaluation of the septic system may also be required.

~~NOT RECORDED FOR FILE~~
8.20.08
[Signature]

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 27, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 20th day of August, 2008 that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front addition with a 67 feet setback to the centerline of the front street in lieu of the required 75 feet and to permit an existing 28 feet side yard setback in lieu of the required 35 feet is hereby GRANTED, subject to the following:

1. The 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to building permit approval, the locations of the well and septic system must be shown on the site plan. An evaluation of the septic system may also be required.

~~RESERVED FOR FOLDER~~
8.20.08
pm

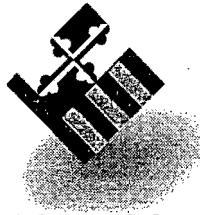
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILED
8.20.08



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 20, 2008

LEROY AND ANN MEADS
5042 KEMP ROAD
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 2009-0016-A
Property: 5042 Kemp Road

Dear Mr. and Mrs. Meads:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



TAX. ACCO # 0419007050

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5042 Kemp Rd.which is presently zoned RC 2

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)

1A01.3.B.3

To permit a front addition with a 67 feet setback to the centerline of the front street in lieu of the required 75 feet and to permit an existing 28 feet side yard set back in lieu of the required 35 feet.

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):

LEROY + ANN MEADS

Name - Type or Print

Signature

Name - Type or Print

Signature

5042 Kemp Rd

Address

410-429-4523

Telephone No.

REISTERSTOWN

City

MD

State

21136

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. 2009-0016A

REV 10/25/01

Reviewed By [Signature] Date 7/17/08Estimated Posting Date 7/27/088.20.08[Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5042 KEMP ROAD
Address
KEISTERSTOWN, MARYLAND 21136
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):

REQUESTING VARIANCE DUE TO FACT THAT CURRENT ROOM SIZE IS INADEQUATE FOR CUSTOMERS POTENTIAL MEDICAL REQUIREMENTS. NEEDS TO BE WHEEL CHAIR, HOSPITAL BED FRIENDLY.

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 _____

Name - Type or Print _____

Name - Type or Print _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Lois J. Barnes
Notary Public

My Commission Expires 9/18/11

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

5042 KEMP ROAD
Address
KEISTERSTOWN, MARYLAND 21136
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):

REQUESTING VARIANCE DUE TO FACT THAT CURRENT ROOM SIZE IS INADEQUATE FOR CUSTOMERS POTENTIAL MEDICAL REQUIREMENTS. NEEDS TO BE WHEEL CHAIR, HOSPITAL BED FRIENDLY.

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

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Lois J. Barnes
Notary Public

My Commission Expires

9/18/11

ZONING DESCRIPTION FOR 5042 Kemp Rd.

Beginning at a point on the NORTH WEST side of KEMP RD. which is 16'-5" wide at a distance of 10' EAST of the centerline of the nearest improved intersecting street MAPLE GROVE RD. which is 20' wide.

7596 00692

SCHEDULE "A"

BEGINNING for the same at a stake set on the south side of Kemp's Road as surveyed July, 1945, also being north 81 degrees west 321.7 feet from a stone at the end and on the south 84½ degrees east 53½ perches line mentioned in the deed from Caryl Harvey Ducker and wife to Benjamin H. Wiley and wife, dated January 18th, 1940, and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1089 folio 528 etc., running thence reversely along said line and the south side of said Road, 16.5 feet wide leading to the Hanover Road, with the use thereof in common, north 81 degrees west 200 feet to a stake; thence by 3 lines of division viz: north 9 degrees east 217.8 feet to a stake, south 81 degrees east 200 feet to a stake, south 9 degrees west 217.8 feet to the place of beginning. Containing in all 1 acre of land, more or less.

SAVING AND EXCEPTING THEREFROM, however, a strip twenty five feet wide, with an even width throughout and a depth of 217.8 feet measuring from the westernmost outline of the aforesaid lot which, by Deed, dated December 26, 1946 and recorded in Liber 1533 folio 48, and heretofore recorded among the Land Records of Baltimore County, was granted and conveyed by Harold A. Schaefer and wife, unto Lewis C. Moleworth.

The improvements on the lot hereby conveyed being now known as No. 5042 Kemp Road.

Also known
as 5042 Kemp rd. and located in the 04 Election District,
3 Councilman District.

09-0016-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18485**

Date: **7/17/08**

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

Total: **65.00**

Rec:

From:

Leroy Meads

For:

5042 Kemp Rd

Reisterstown Md 21136

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL DATE
 7/18/2008 7/17/2008 15:11:26

REC. 1504 WALTON CSTE CWS

RECEIPT # 447704 7/17/2008

5.50 ZONING VERIFICATION

CR. NO. 1018408

Receipt Tot 165.00

165.00 CR 4.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2009-0016-A

Petitioner/Developer: MEADS

Date of Hearing/Closing: 8-11-08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

5042 Kemp RD

The sign(s) were posted on

7-27-08

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

7-30-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

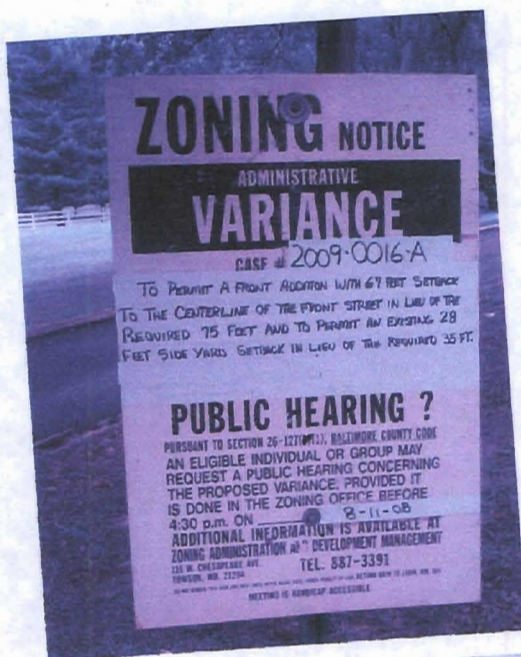
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0016 -A Address 5042 Kemp Rd

Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/17/08 Posting Date: 7/27/08 Closing Date: 8/11/08

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

- 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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
- 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

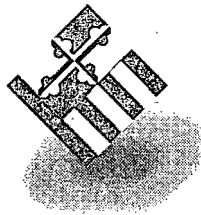
Case Number 2009- 0016 -A Address 5042 Kemp Rd

Petitioner's Name _____ Telephone _____

Posting Date: 7/27/08 Closing Date: 8/11/08

Wording for Sign: _____
To permit a front addition with a 67 feet setback to the centerline of the front street in lieu of the required 75 feet and to permit an existing 28 feet side yard set back in lieu of the required 35 feet.

WCR - Revised 7/7/08



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
August 12, 2008 *Development Management*

Leroy Meads
Ann Meads
5042 Kemp Road
Reisterstown, MD 21136

Dear Mr. & Mrs. Meads:

RE: Case Number: 2009-0016-A, 5042 Kemp Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 17, 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.

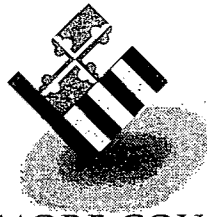
Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/klm

Enclosures



BALTIMORE COUNTY
MARYLAND

JAMEST. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 29, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2009-0011-A, 2009-0012-A, 2009-0014-A, 2009-00015-SPH,
2009-0016-A and 2009-0018-A.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 7-28-2009

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

RE: Baltimore County
Item No 2009-0016-A
5042 KEMP RD
MEADS PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0016-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,

F02 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

INTEROFFICE CORRESPONDENCE

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

DATE: July 29, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For August 4, 2008
Item Nos. 2009-0011, 0012, 0013, 0014,
0015, 0016, 0017, and 0018

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

DAK:CEN:lrk

cc: File

ZAC- 07292008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

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

DATE: August 19, 2008

SUBJECT: Zoning Item # 09-016-A
Address 5042 Kemp Road
(Meads Property)

RECEIVED
AUG 19 2008

BY:.....

Zoning Advisory Committee Meeting of July 27, 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:

Prior to building permit approval, the locations of the well and septic system must be shown on the plan. An evaluation of the septic system may also be required. - S.

Farinetti; Ground Water Management

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 11, 2008

RECEIVED
AUG 18 2008

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

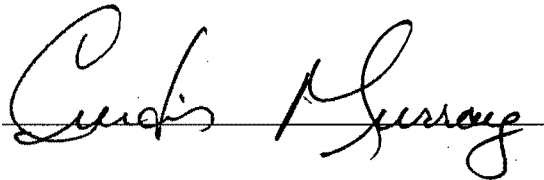
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-016- 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



0412020925

13208

0422000370

2200004338

0423017490

13206

0407047752

13205

0413022312

0413056730

13204

0407059240

639000022

0402023051

0413040700

3 CD

039C3-RC 2

5100

4 ED NW 18-K

0419007050

5042

0419007676

5040

NW 18-J

Flood Zone X

0423052300

5034

0423015350

KEMP RD

KEMP RD

0423051500

2200022130

112200022

2009-0016-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

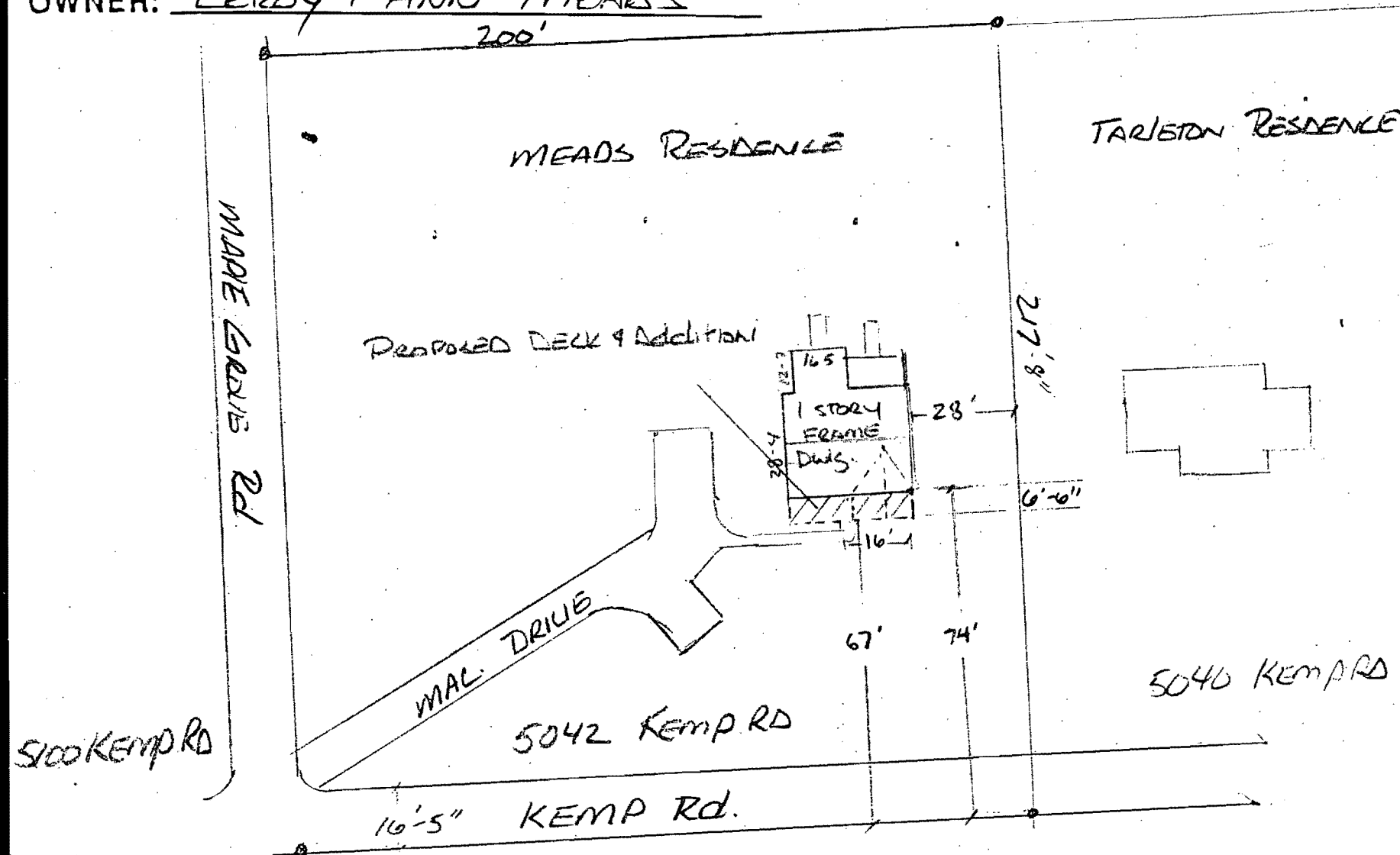
PROPERTY ADDRESS: 5042 KEMP RD 21136

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

Subdivision name: N/A

Plat book# _____, folio# _____, lot# _____, section# _____

OWNER: LEROY & ANN MEADS



UNIMPROVED PROPERTY

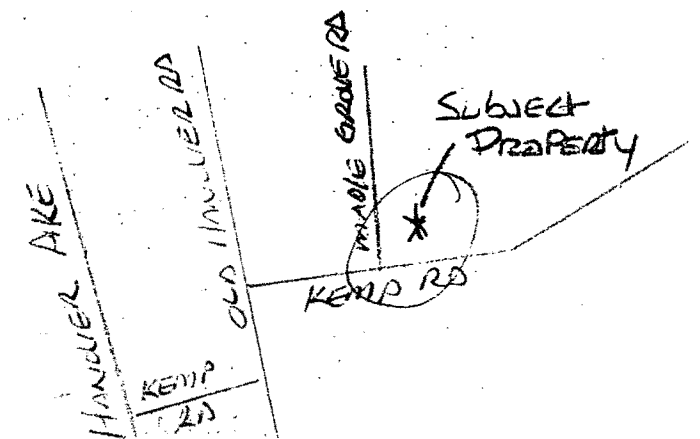


North

date: 7/17/08

prepared by: JEFF BARNES

Scale of Drawing: 1" = 40'



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 4

Councilmanic District: 3

1" = 200' scale map#: 039C3

Zoning: RC-2

Lot size: .275 acreage 38115 square feet

SEWER: ☐ PUBLIC ☒ PRIVATE

WATER: ☐ PUBLIC ☒ PRIVATE

Chesapeake Bay Critical Area: ☐ YES ☒ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

TW | 2009 | 0016-A