

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

NW/Side of Gunpowder Road, 720'

N c/line of Glen Arm Road *

(10 Gunpowder Road)

11th Election District *

3rd Council District *

Robert W. Evett

Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0108-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

ORDER REQUESTED FOR FILING

12-30-08

[Signature]

In this case, the property was duly posted and within the requisite time period Lisa B. Culp, residing at 8 Gunpowder Drive, filed a request for a formal demand on November 3, 2008. Thus, this matter was scheduled for a public hearing, which was held on December 15, 2008.

Appearing at the requisite public hearing in support of the request were Robert W. Evett, property owner, his daughter and son-in-law, Suzanne and Richard Jenkins, who reside on the property, and their attorney, Howard L. Alderman, Esquire. Appearing in opposition to the variance request were Lisa B. Culp, the adjacent neighbor at 8 Gunpowder Road and her father, Larry Butz.

Testimony and evidence offered disclosed that the subject property is rectangular in shape (165' wide x approximately 347' deep) located between the north side of Gunpowder Road and the south side of Glen Arm Road just north of Cromwell Bridge Road in Glen Arm. The property contains a lot area of 1.41 acres or 61,420 square feet, zoned R.C.5 and is improved with a one-story single-family dwelling with attached garage originally built in 1952 and subsequently remodeled. The Petitioner has owned and resided on the property for many years. Due to advancing age he requested his daughter and her family to move in and provide support and assistance. Testimony indicated that the proposed shed, 16' x 20' in dimension, in the rear side yard (northwest side of property) is necessary to provide needed space for the safe and secure storage of a garden tractor, garden equipment and personal items. Testimony and photographs submitted show that the rear yard is moderately wooded and steeply sloped. Thus, the proposed accessory structure cannot be located in the rear yard as required by the regulations. Moreover, due to the location of the existing home and site constraints (underground electric service, well and septic) associated with the property, the requested variance relief is necessary.

12-30-08
m

In this regard, the home sits centrally on the lot towards the base of a hill, approximately 147' from Gunpowder Road, and thus only has level ground on either side of the home and front yard area. Mr. Jenkins, a home improvement contractor with extensive experience in construction, described the topography as composed of steep slopes and testified that the rear yard is virtually unusable for building purposes. He presented elevation drawings of the proposed structure that he intends to build stating it will be custom built with siding and roof exterior colors that will match the house.

In support of the request, the Jenkins submitted numerous photographs depicting similarly located sheds throughout the immediate area erected in the side/front yards (Petitioner's Exhibits 4A through 11C). They produced letters from a real estate attorney and real estate broker expressing opinions that the structure would have no adverse effect on property values in the neighborhood and would not adversely impact adjacent properties. While photographs submitted support Petitioner's contention and show many sheds erected over time they must have been done so in disregard of the zoning regulations.¹

Lisa Culp, the most affected adjacent neighbor, and Larry Butz appeared in opposition to the proposal. Essentially, they opine that while the proposed accessory structure might be, in the opinion of Messrs. Evett and Jenkins, compatible and fitting with the subject property, the placement of this shed as intended in the side yard 28' from her patio and 47' east of her dining room in an area that is elevated 5' higher than her property, would be inappropriate. She testified that it would impair the enjoyment of her property, fears her property value would be depreciated, and be inconsistent with the residential character of the area and the R.C. 5

¹ It is worthy to note that this Commission could find no prior Orders granting variance relief from B.C.Z.R. Section 400.1 for any of the sheds illustrated on Petitioner's Exhibits 4-11. The only Order issued involving an accessory structure pertained to 20 Gunpowder Road, Case No. 88-447-A, and this petition involving an accessory structure (shed) in the side yard in lieu of the required rear yard was denied by then Zoning Commissioner J. Robert Haynes on May 28, 1988.

zoning classification. She submitted photographs as Protestant's Exhibit 1 to demonstrate that the location of the structure would be clearly visible from her perspective.

Following the hearing, I visited the subject site and drove the community. Observations made during that visit are particularly relevant in reaching the conclusion that variance relief is warranted; however, I will grant a modification of the relief requested. I will grant a variance to allow for a location that will be a greater distance than 10' from the property and require alterations to the plan. Specifically, the Petitioner shall amend his plan so as to depict the shed's location a distance of twenty (20) feet from the common property line (10 feet closer to Petitioner's home than currently proposed). Additionally, the plan will provide for moving the shed further back towards the base of the hill (further back from Gunpowder Road than as shown on Exhibit 1). The north end of the shed shall be located next to the BGE underground electric utility line. A landscape screening area 6' wide and 20' deep shall be provided on the western side of the shed to buffer its view from Ms. Culp's property. These plantings, weather permitting, shall take place within thirty (30) days following the shed's construction.

In reaching a decision based on the testimony and evidence presented, I must consider the request in accordance with the mandate of *Cromwell v. Ward*, and Section 307 of the B.C.Z.R. in determining whether I think the shed's location is appropriate. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. In this case, I find that the environmental constraints are so severe that the Petitioner is not able to build an accessory structure which he desires as the topography drives the need to locate the shed in the rear side yard. Secondly, upon this determination that

RECEIVED FOR PLANNING
12-30-08
[Signature]

the property is unique, it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and would be unnecessarily burdensome. Admittedly it is possible to compel the Petitioner to place the shed behind the garage on the northeast side, but compliance with B.C.Z.R. Section 400.1 is not practical given these facts as gaining access to it at this location is not possible. While the altered placement of the shed is perhaps not the most aesthetically desirable, I find the variance relief will not have adverse impacts on the surrounding community. For these reasons, I will grant the Petition for Variance with the above-noted conditions.

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 with conditions.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of December, 2008 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's amended site plan received as Exhibit 15, be and is hereby GRANTED, subject to the following conditions which are conditions precedent to the relief granted:

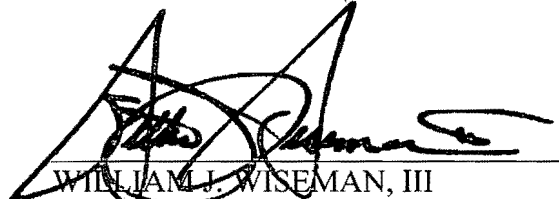
1. Petitioner shall submit a revised site plan to this Commission incorporating the modified relief granted herein for inclusion in the Department of Permits and Development Management case file. Specifically, the revised site plan shall reflect the measurements of the proposed shed to be relocated further back in the west side yard at a distance of 20 feet east of the property line and show evergreen screening to mitigate the impact of the accessory structure from the adjacent residential property. The initial plantings of four or five Leyland Cypress or conifers shall be 4' to 6' tall and grow a minimum height of 20' and be maintained in good condition.

RECEIVED FOR FILE

12-30-08

2. The Petitioner may apply for his building permit and be granted same; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must taken in according with Section 32-3-41 of the Baltimore County Code.

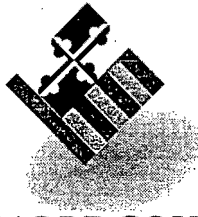


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

12-30-08





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 30, 2008

Howard Alderman Jr., Esquire
Levin & Gann
502 Washington Avenue, Suite 800
Towson, MD 21204

RE: PETITION FOR VARIANCE
(10 Gunpowder Road)
Robert W. Evett – Petitioner
Case No. 2009-0108-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

Enclosure

c: Robert W. Evett, 10 Gunpowder Road, Glen Arm MD 21057
Suzanne and Richard Jenkins, 10 Gunpowder Road, Glen Arm MD 21057
Lisa Culp, 8 Gunpowder Road, Glen Arm MD 21057
Larry Butz, 1011 Mt. Road, Stroudsburg, PA 18360
People's Counsel; DEPRM; Office of Planning; File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

410-661-5555

for the property located at 10 Gunpowder Road, Glen Arm
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 to permit an accessory structure (shed) be located in the side yard 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

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 12-30-08 day of December 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. 2009-0108-4Reviewed By BSH Date 10/20/08REV 10/25/01 12-30-08Estimated Posting Date 11/2/08

PM

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 10 Gunpowder Rd.
Address
Glen Arm MD 21057
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):

1. Not enough Room to build behind the house because of steep grade
2. Financially impossible to make the grade suitable for building.
3. County Regulations do not permit

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.

Robert W. Everett
Signature
Robert W. Everett
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

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

AS WITNESS my hand and Notarial Seal

John Pearson
Notary Public
My Commission Expires 1-1-2011

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 10 Gunderaker Rd.
Address
Glen Arm MD 21057
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):

1. Not enough room to build behind the house because of steep grade
2. Financially impossible to make the grade suitable for building.
3. County Regulations do not permit

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
Robert W. Everett
Name - Type or Print

Signature

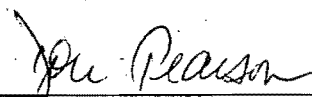
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

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

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires 11-2011

Zoning Description

ZONING DESCRIPTION FOR 10 Gunpowder road Glen Arm M.D.

BEGINNING for the same at a point in the center of the Glenarm Road and in the second line of a parcel of land containing 2.82 acres, more or less, which by a deed dated March 27, 1951 and recorded among the Land Records of Baltimore County prior hereto was conveyed by Summerfield Incorporated to Daniel F. Shipley, Jr., said point being distant south 47 degrees 38 minutes west 86 feet measured along said line from the beginning thereof and running thence with and binding on a part of said second line and binding in the center of the Glenarm Road south 47 degrees 38 minutes west 165 feet to the beginning of the third line of said parcel of land, thence leaving said road and running with and binding on the third and fourth lines of said parcel of land the two following courses and distances, viz: south 40 degrees 08 minutes east 347 feet and still south 40 degrees 08 minutes east 23.44 feet to a point on the northwest side of Gunpowder Road, 50 feet wide, thence binding on the northwest side of said road north 47 degrees 57 minutes east 165 feet and thence leaving said road and running for a line of division north 40 degrees 08 minutes west 371.35 feet to the place of beginning. Containing 1.41 acres of land, more or less. The improvements thereon being known as No. 10 Gunpowder Road.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 2327

Date 10/25/08

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	Y26	0000		1100						115.00

Total: 115.00

Rec From:

For:

BUSINESS TOTAL TIME
 10/20/08 10/20/2008 11:10:30
 REC 3007 WALKIN DMJ MD
 RECEIPT 447061 10/20/2008 001
 5 - 5.00 ZIRINO VERIFICATION
 02946
 Rec'd to: \$65.00
 \$45.00 by: \$45.00
 Baltimore County Maryland

**CASHIER'S
 VALIDATION**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

John M. [Signature]

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No: **31399**

Date:

11/03/08

PAID RECEIPT

BUSINESS ACTION TIME

11/03/2008 11/03/2008 14:03:51

6 602 BALTIMORE JPM TEE

RECEIPT 2 01/09 10/31/2008

05: 5 523 2008S VERIFICATION

01/09 01/09

Receipt Tot 950.00

950.00 FK 9.00 CA

Baltimore County, Maryland

Rev Sub
 Source/ Rev/

Fund	Dept.	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 50.00

Total:

\$ 50.00

Rec

From:

For:

Formal Demand for Case # 009-01088

Formal Demand For Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2009-0108-A

Address: 10 Gunpowder Rd

Petitioner(s): Robert Everett

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Lisa Culp (LISA CULP)
Name - Type or Print

☒ Legal Owner OR ☐ Resident of
8 Gunpowder Road
Address

Glen Arm MD 21057
City State Zip Code

410-733-5272
Telephone Number

which is located approximately 18 feet from the
property, which is the subject of the above petition, **do hereby
formally demand that a public hearing be set in this matter.**
**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

L Culp 11-7-09
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

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: #2009-0108-A
10 Gunpowder Road
N/west side of Gunpowder Road, 720 feet n/of centerline of Glen Arm Road
11th Election District
3rd Councilmanic District
Legal Owner(s): Robert Evett
Variance: to permit an accessory structure (shed) be located in the side yard in lieu of the required rear yard.
Hearing: Monday, December 15, 2008 at 11:00 a.m. in Room 104, Jefferson Building, 105 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 11/26 Nov. 25 189242

CERTIFICATE OF PUBLICATION

11/27, 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 11/25, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 2009-0108-A

Petitioner/Developer: ROBERT
EUETT

Date Of Hearing/Closing: 12/15/08

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 10 Gunpowder Rd

This sign(s) were posted on November 28, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 11/28/08
(Signature of sign Poster and Date)

Martin Ogle

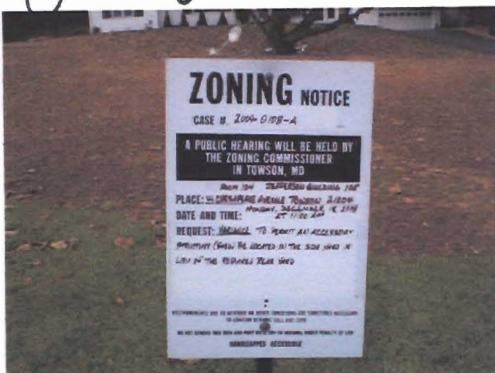
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



11/28/2008

Yvette 11/2/08



11/02/2008

La Shenda -

11-14

Per our conversation, the attached photo came w/ case file 2009-0103-17, which is scheduled for 11-20. This photo is for 2009-0108-A which is an Admin. Var.

Thanks.

Deb.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 25, 2008 Issue - Jeffersonian

Please forward billing to:
Robert Evett
10 Gunpowder Road
Glen Arm, MD 21057

410-661-5555

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: 2009-0108-A

10 Gunpowder Road
N/west side of Gunpowder Road, 720 feet n/of centerline of Glen Arm Road
11th Election District – 3rd Councilmanic District
Legal Owners: Robert Evett

Variance to permit an accessory structure (shed) be located in the side yard in lieu of the required rear yard.

Hearing: Monday, December 11, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 25, 2008 Issue - Jeffersonian

Please forward billing to:

Robert Evett
10 Gunpowder Road
Glen Arm, MD 21057

410-661-5555

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: 2009-0108-A

10 Gunpowder Road

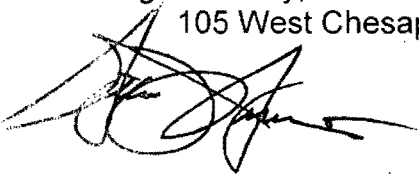
N/west side of Gunpowder Road, 720 feet n/of centerline of Glen Arm Road

11th Election District – 3rd Councilmanic District

Legal Owners: Robert Evett

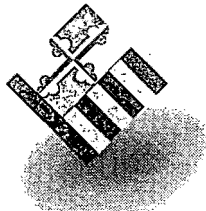
Variance to permit an accessory structure (shed) be located in the side yard in lieu of the required rear yard.

Hearing: Monday, December 15, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 17, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

CORRECTED 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: 2009-0108-A

10 Gunpowder Road

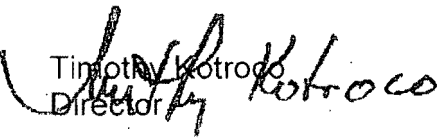
N/west side of Gunpowder Road, 720 feet n/of centerline of Glen Arm Road

11th Election District – 3rd Councilmanic District

Legal Owners: Robert Evett

Variance to permit an accessory structure (shed) be located in the side yard in lieu of the required rear yard.

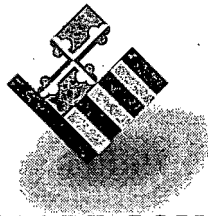
Hearing: Monday, December 15, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy M. Kotroco
Director

TK:klm

C: Robert Evett, 10 Gunpowder Road, Glen Arm 21057
Lisa Culp, 8 Gunpowder Road, Glen Arm 21057

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



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
December 11, 2008

Robert W. Evett
10 Gunpowder Rd.
Glen Arm, MD 21057

Dear: Robert W. Evett

RE: Case Number 2009-0108-A, 10 Gunpowder Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 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,

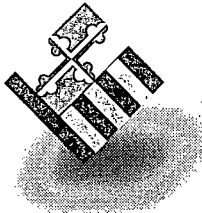
A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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
November 6, 2008

Robert Evett
10 Gunpowder Road
Glen Arm, MD 21057

Dear Mr. Evett:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 2009-0108-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand requiring a public hearing concerning the above proposed administrative procedure.

The hearing has been scheduled, attached is a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Bruno Rudaitis at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Lisa Culp, 8 Gunpowder Road, Glen Arm 21057

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 5, 2008

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

SUBJECT: 10 Gunpowder Road

INFORMATION:

Item Number: 9-108

Petitioner: Robert W. Evett

Zoning: RC 5

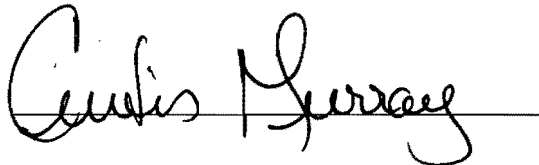
Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan and does not have any opposition to the subject shed being set in the side yard in lieu of the required rear yard.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:
AFK/LL: CM

A handwritten signature in black ink, appearing to read "Curtis Murray", is written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 31, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2008
Item Nos. 2009-0100, 101, 102, 103, 104,
105, 106, 107 and 108

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

DAK:CEN:cab
cc: File
ZAC- 11032008-NO COMMENTS



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

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

Maryland Department of Transportation

Date: Oct. 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. ~~2009-0108-A~~
10 GUNPOWDER RD
EVETT 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. ~~2009-0108-A~~.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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



BW 12/15 11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 20, 2008
SUBJECT: Zoning Item # 09-108-A
Address 10 Gunpowder Road
(Evelt Property)

RECEIVED
NOV 20 2008

BY:

Zoning Advisory Committee Meeting of October 27, 2008

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ 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:

Reviewer: JWL

Date: 11/20/08

CASE NAME Evel/10 Gunpowder
CASE NUMBER 2009-0108-A
DATE 16 Dec 08

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Lisa Culp
Larry Butz

8 Gunpowder Rd
1011 Mt. Rd

Allen Arm. MD, 21057
Stroudsburg Pa. 18360

Lculp@jhmi.edu



Eh A



R46B

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 10 Gunpowder Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Summerfield Farms

PLAT BOOK # FOLIO # 035 LOT # SECTION #

OWNER Robert W. Evett

Glen Arm RD (24' PAVING)

TAX # 1102058800
WILLIAM & LISA
CULP

TAX # 1103088620
15' EASEMENT

TAX # 1104037340
RICHARD & ANITA
DISTEFANO

EXISTING DWELLING FRONT

PROPOSED 16x20 STORAGE SHED
EXISTING DWELLING FRONT

EXISTING DWELLING FRONT

Parcel 82

Parcel 36

Parcel 30



NORTH

Glen Arm RD

Gunpowder RD (14' PAVING)

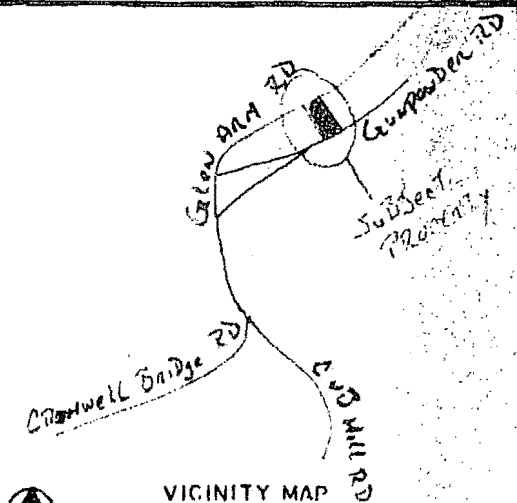
ALL-STATE LEGAL®

PETITIONER'S EXHIBIT

1

PREPARED BY Richard Jenkins

SCALE OF DRAWING: 1" = 100'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # NE-13E

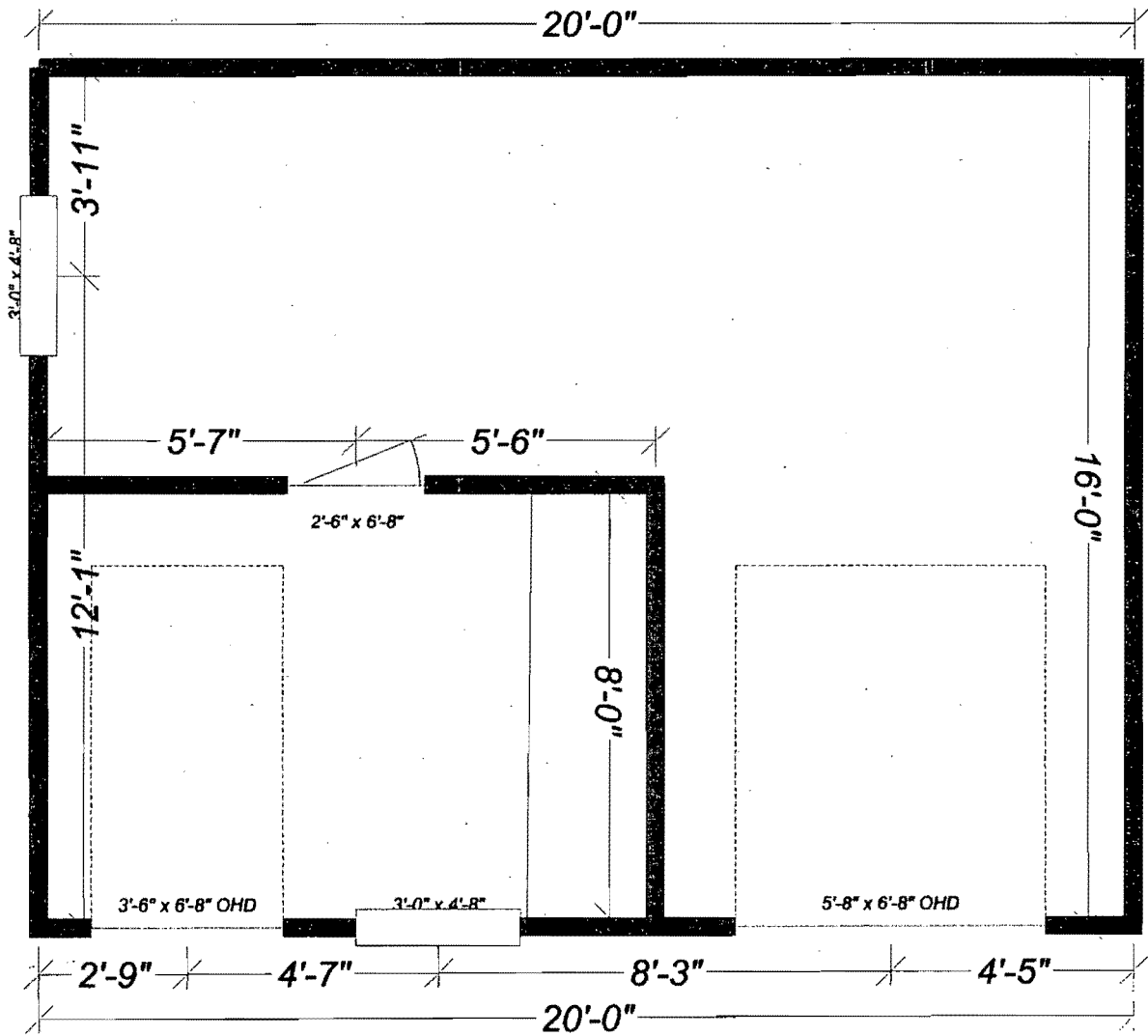
ZONING RC5

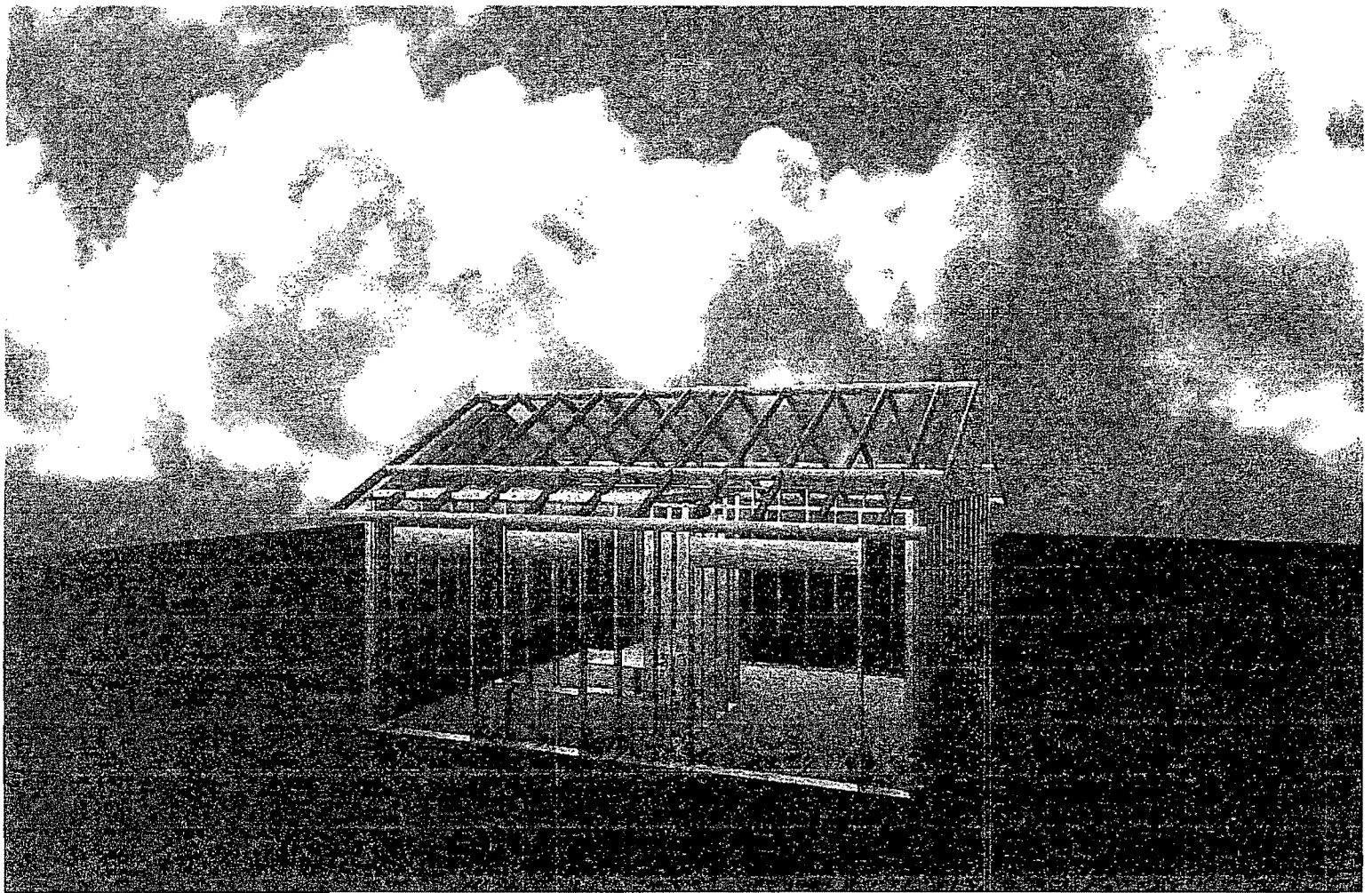
LOT SIZE 1.41 ACRES 61420 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☒

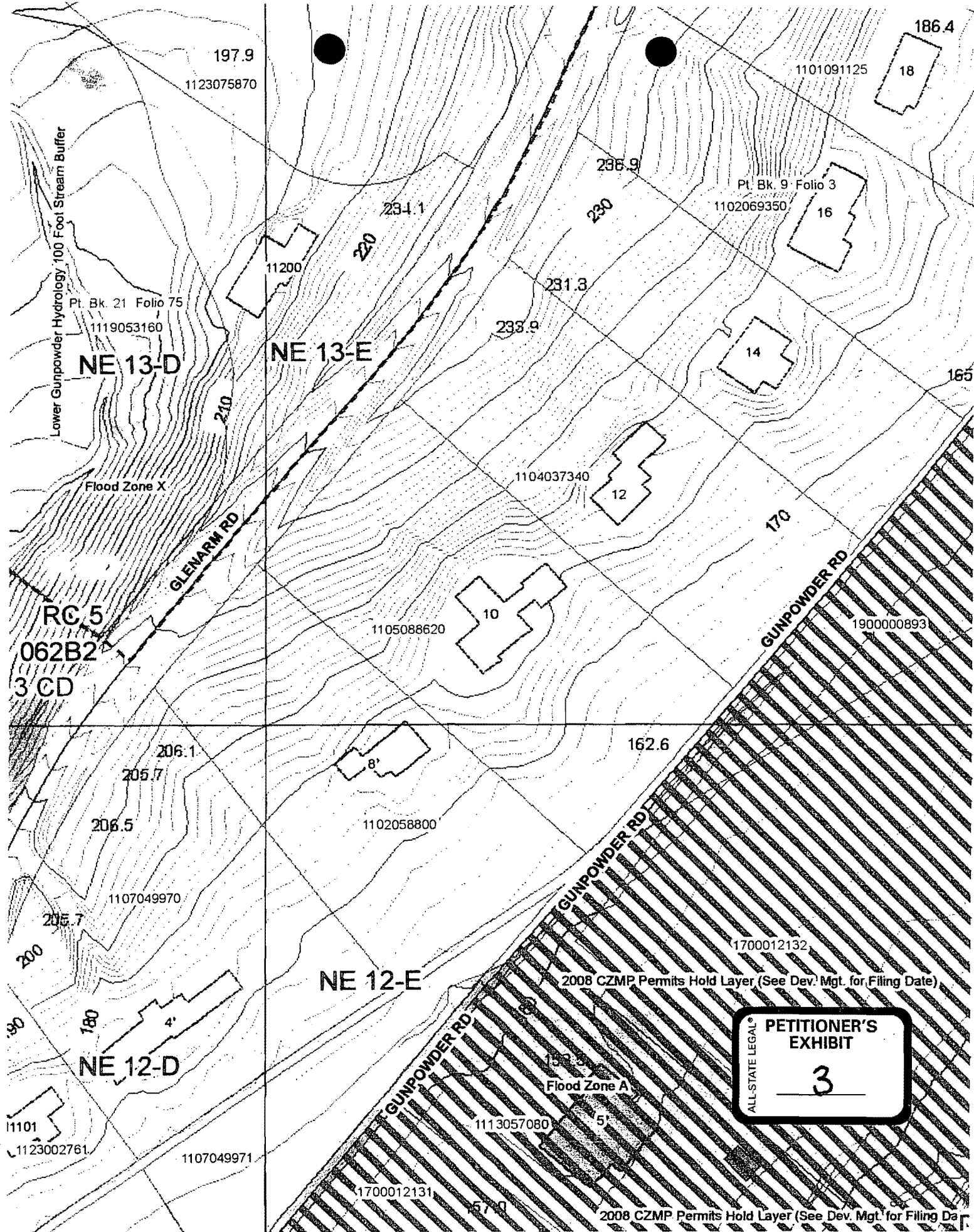
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #



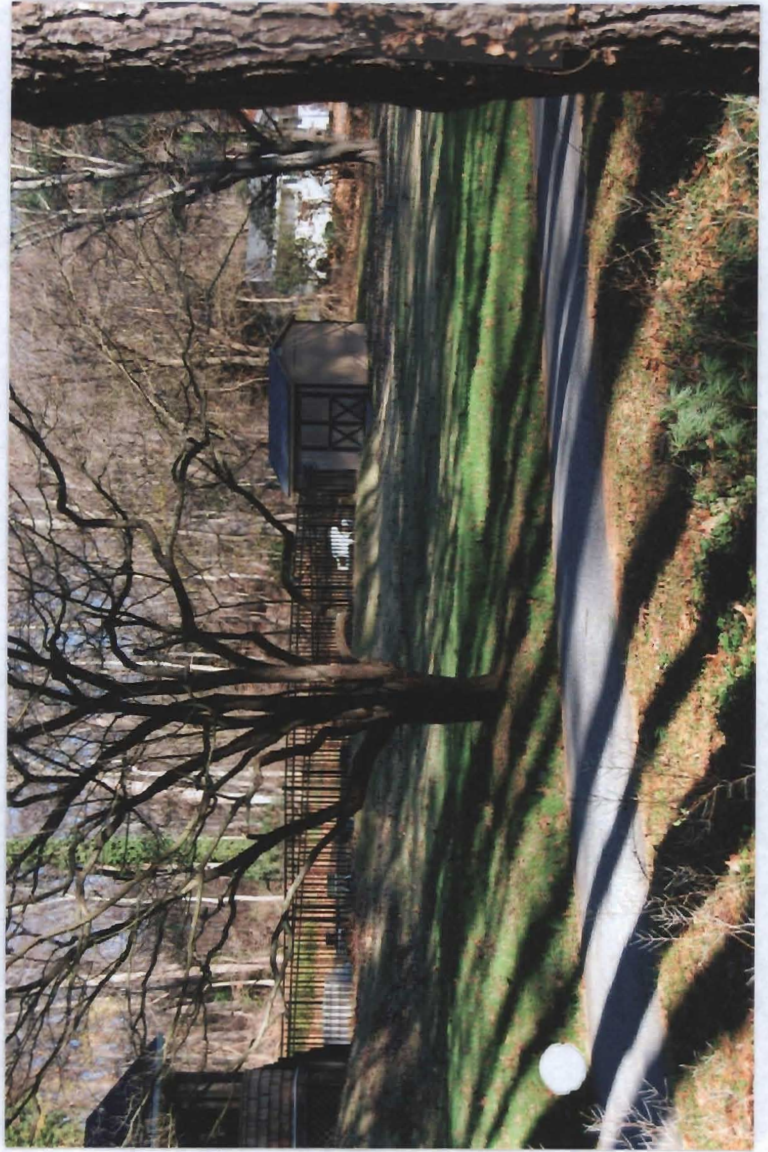




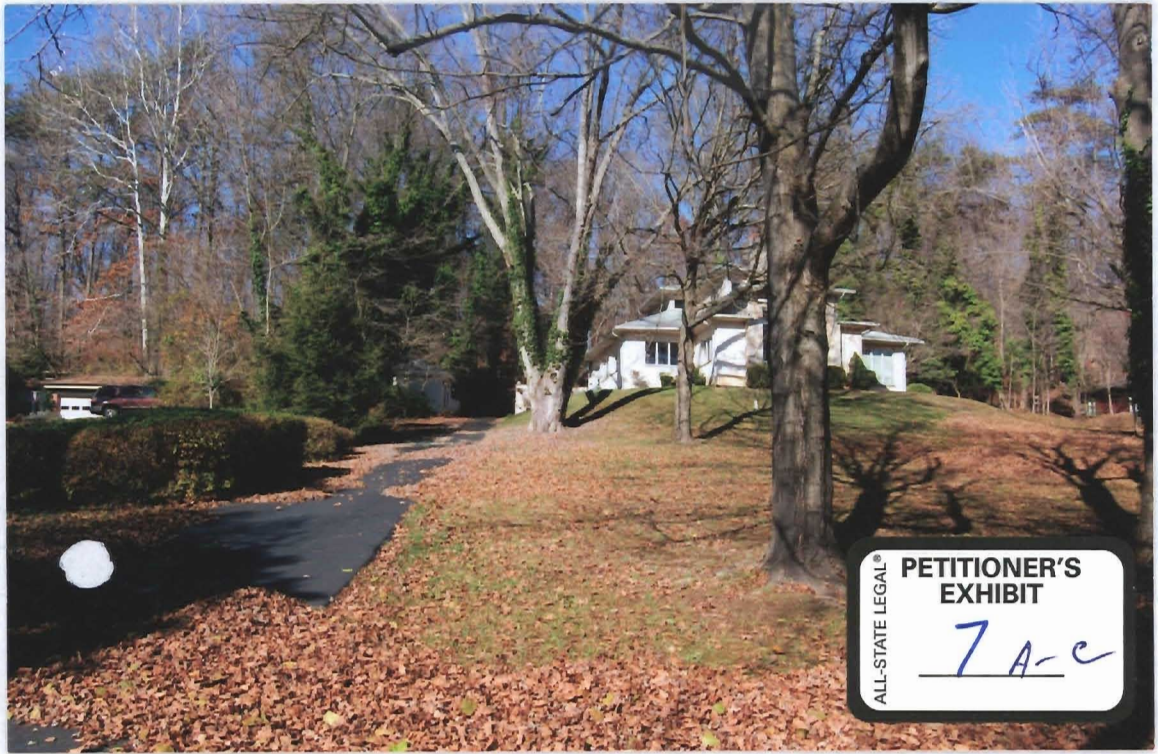
Colors to match residence.



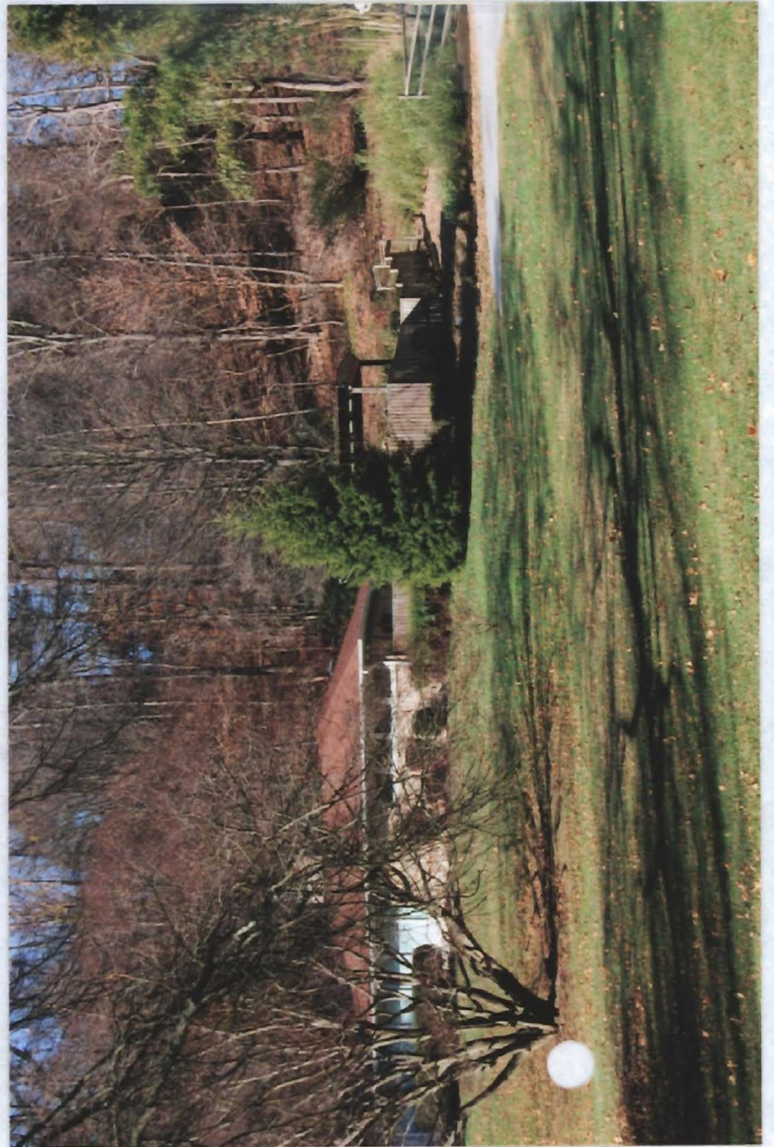






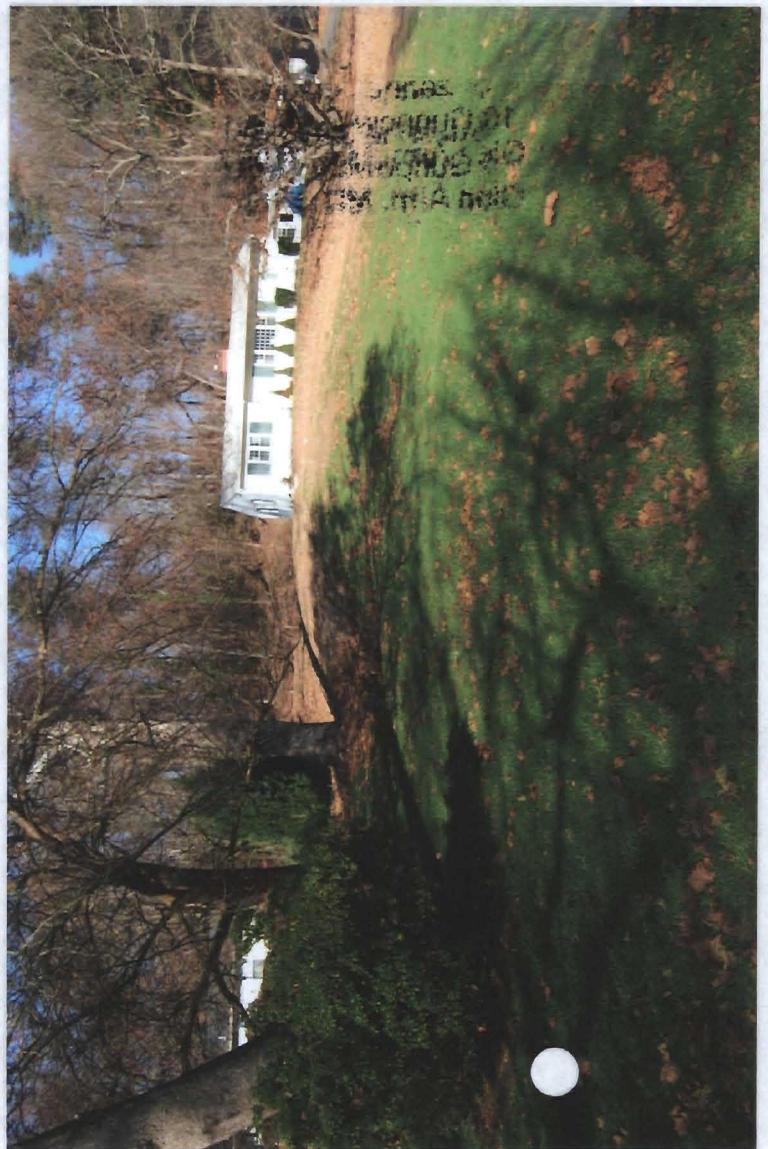
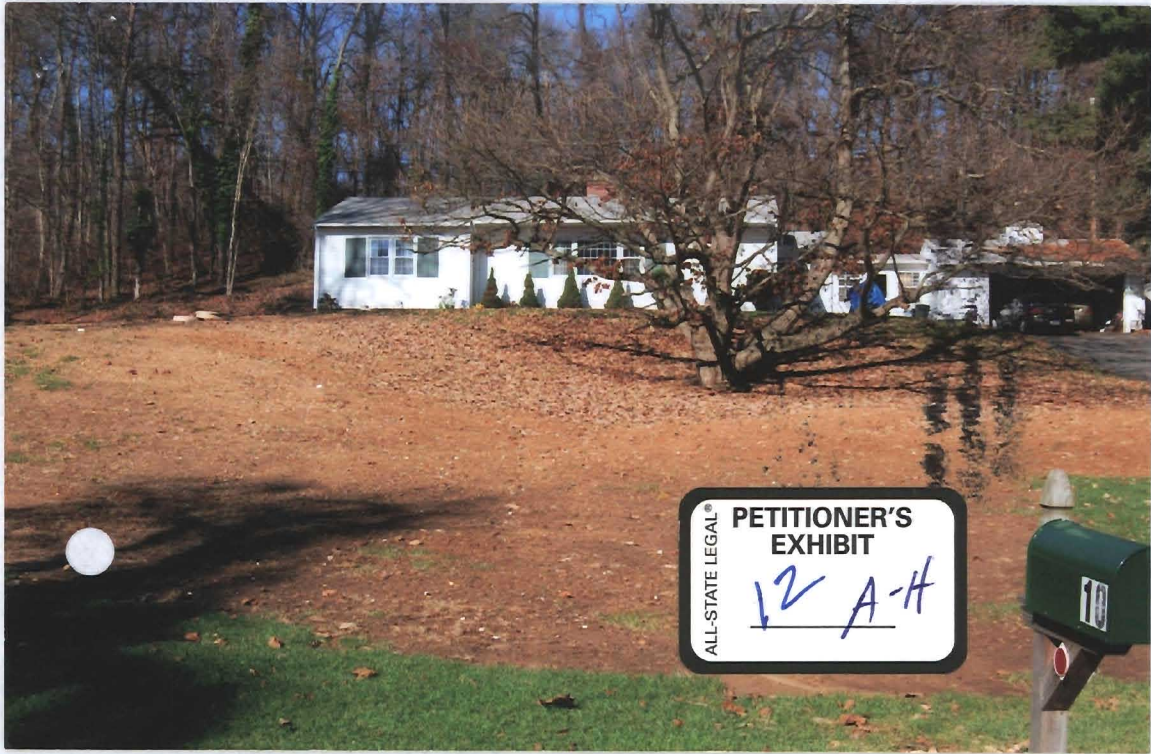
















Richard J. Gunkel, Attorney at Law

1045 Taylor Avenue, Suite 100
Towson, Maryland 21286
410-296-1326
410-296-1325 (Fax)

November 25, 2008

Mr. Robert W. Evett
10 Gunpowder Road
Glen Arm, Maryland 21057

RE: Proposed Shed

Dear Mr. Evett:

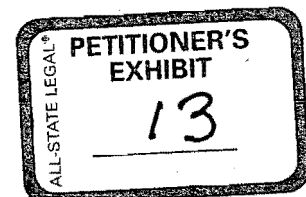
I have spoken to several real estate brokers who sell real estate in your area. All of the people I have spoken with expressed the opinion that an out building made to appear as the original structure placed along side of the house would have no adverse effect on the property.

The fact that is impossible due to the topography of the land to place the structure in the backyard should be taken into consideration at the hearing on your variance request.

Very truly yours,


Richard J. Gunkel

RJG/cec





DEAN L. GARRISON, INC. REALTORS

Phone:
410-321-0636
410-913-0829

Marianne V. Garrison, GRI, CRS, CRB
Broker/President

1045 TAYLOR AVENUE
TOWSON, MARYLAND 21286

December 2, 2008

Mr. Richard Gunkel,
Atty at Law
1045 Taylor Ave.
Towson, Md. 21286

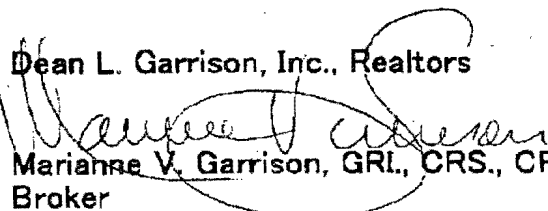
Dear Mr. Gunkel,

I have looked at the property of Mr Robert W. Evett, located at 10 Gunpowder Rd, Glen Arm, Maryland 21067, and also have looked at the plans, and viewed the pictures of the proposed structure he intends to build on the property.

Being that the structure is going to be custom built and placed in his own yard, and if approved by Baltimore County, and with a permit, it is my opinion that such a structure would have no adverse effect on property values in the subject neighborhood.

Sincerely,

Dean L. Garrison, Inc., Realtors


Marianne V. Garrison, GRI, CRS, CRB.
Broker



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