

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Manor Road, 100 feet N of the
c/l of Morgan Mill Road
11th Election District
3rd Councilmanic District
(11837 Manor Road)

Kirk Kness

Petitioner

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 2009-0208-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 owner of the subject property, Kirk Kness for property located at 11837 Manor Road. The Variance request is from Sections 1A04.3.B.3 (1996), 103.3 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 26 feet in lieu of the required 50 feet, to permit an open deck with a side yard setback of 23 feet in lieu of the required 37.5 feet, and to amend the Final Development Plan of the Alice M. Smith Property, Lot 4 only.

This matter was originally filed as an Administrative Variance, with a closing date of March 9, 2009. On February 26, 2009 an adjacent property owner, Thomas A. Wilder of 11911 Manor Road, filed a Formal Demand for Hearing. The hearing was subsequently scheduled for Wednesday, April 1, 2009 at 9:00 AM in Room 104 of the Jefferson Building located at 105 West Chesapeake Avenue in Towson, Maryland. In addition, a sign was posted at the property on March 16, 2009, and an advertisement published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

Appearing at the public hearing in support of the requested relief was Petitioner Kirk Kness and his wife Tammy Kness, and Austin B. Childs with Chickenranch Design Studio, the architect who prepared the site plan and assisted Petitioner in filing for the instant variance relief.

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Appearing in opposition to the variance request was Thomas A. Wilder of 11911 Manor Road and Christopher R. Eberle of 11835 Manor Road. There were no other interested citizens in attendance at the hearing, although there were a number of letters contained in the case file in opposition to the requested relief, which will be discussed later in this Order.

As a preliminary matter, Mr. Childs noted that the site plan dated December 29, 2008 filed with the Petition for Variance showed a side yard setback on the left side of the property (which is the area of the instant variance request) of 37 feet. From this measurement, Mr. Childs calculated the variance relief -- based on the size of their proposed improvements -- as 26 feet for the proposed addition, in lieu of the required 50 feet, and 23 feet for the proposed open deck, in lieu of the required 37.5 feet; however, during this early stage of the hearing, Mr. Childs indicated he had made an error in calculating the existing side yard setback distance. Instead of 37 feet, Mr. Childs indicated the actual distance is 50 feet as was required by the Zoning Regulations when the home was originally built. Mr. Childs then submitted a revised site plan dated March 23, 2009 which -- when utilizing the actual side yard setback distance of 50 feet -- greatly reduces the variance relief needed. As such, Petitioner and Mr. Childs sought to amend the Petition for Variance in order to request a side yard setback of 45 feet for the proposed addition, in lieu of the required 50 feet. Moreover, Petitioner requested to withdraw the variance request for the proposed open deck because the side yard setback will be 40 feet, thereby exceeding the 37.5 feet that is required. Because the amended Petition for Variance requests less relief than what was filed with the original Petition and does not change the nature of the relief requested, the undersigned permitted the amendment and allowed the hearing to proceed. The revised site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains approximately 1.48 acres, more or less, zoned R.C.5. The property is located on a

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private cul-de-sac on the east side of Manor Road, between Echo Valley Road to the north and Bridle Valley Road to the south and opposite of Morgan Mill Road to the west, in the Glen Arm area of Baltimore County. The property is known as Lot 4 of the "Alice M. Smith Property" that was subdivided and recorded in 1996 as shown on the Final Development Plan that was marked and accepted into evidence as Petitioner's Exhibit 2.

Petitioner and his wife have lived at the subject location since the home was built in 1997. The home is a two-story structure with a two car side loading garage located on the west side of the home. According to tax records the home is approximately 3,600 square feet. Photographs of the home and the property were marked and accepted into evidence as Petitioner's Exhibits 4A through 4E. The photographs show a driveway leading from the private cul-de-sac to an attractive home situated at an angle on the property. It also appears that the property slopes downward from the front to the back giving the home a "walkout" basement. The site plan also shows the existing septic area located in the southwest area of the property. At this juncture, Petitioner and his wife desire to construct a 16 foot by 16 foot addition to their home as depicted on the site plan, off the southwest corner of the home. The existing side entrance to the property (next to the two car garage) leads to a rather small mudroom. Petitioner desires the addition to serve as a larger mudroom and all-purpose room for his wife and children. In addition, Petitioner proposes an open deck that would wrap around the addition to the back of the home and meet up with an existing sunroom.

In support of the requested variance, Petitioner's architect, Mr. Childs, indicated that, although there would be sufficient space on the other side of the home due to the existing 70 foot side yard distance, the proposed location is the best location based on the current layout of the home. The driveway entrance, garage and laundry areas are located on the same side as the proposed addition. Petitioner and his family come and go from the home predominantly from this

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side; hence, functionally, it is the best option as far as location. In addition, architecturally, the location of the addition depicted on the site plan is the best location. The addition would provide balance to the overall look of the home and the open deck that is proposed to wrap around the back of the home would meet up with the sunroom and existing deck that wraps around the other side of the home.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 9, 2009 which indicates they do not object to Petitioner's request provided a landscape buffer is planted along the western side of the property to provide screening for the adjacent neighbor at 11835 Manor Road.

Testifying in opposition to the requested relief was Christopher Eberle of 11831 Manor Road, the next door neighbor to the immediate west of the subject property. Mr. Eberle is the neighbor most affected by Petitioner's plans given his proximity to Petitioner's property. Although Mr. Eberle acknowledged that the amended variance request is much less than what was originally proposed, he maintains his opposition to the requested relief. He submitted a well prepared, comprehensive booklet that was marked and accepted into evidence as Protestant's Exhibit 1, which included his written arguments in support of his opposition and the relevant provisions of the "Declaration of Covenants and Restrictions" governing the Smith property, as well as maps, drawings, and photographs.

Essentially, Mr. Eberle believes that granting Petitioner's variance request would set a bad precedent for the neighborhood. He believes the original development of the Smith property configured the lots and building envelopes in such a manner as to provide each property owner with sufficient space and privacy between their homes. Granting Petitioner's variance request would unnecessarily disturb this balance of space and distance. He also believes that Petitioners

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have alternatives to their preferred design of the addition and decking, in terms of size and exact location, which would eliminate the need for variance relief. In his view, the addition could be "thinner" and "longer" such as 12 feet wide by 18-20 feet deep (rather than the requested 16 feet by 16 feet).

At Mr. Eberle's urging, a number of nearby neighbors also expressed their opposition to Petitioner's variance request. Mr. Eberle provided neighbors with a form letter opposing the relief and space at the bottom for their signatures, as well as a self-addressed, stamped envelope. These letters were signed and mailed by Vicky Georgetti of 11833 Manor Road, Koon and Judy Wong of 11831 Manor Road, and Kent and Sheila Underwood of 11839 Manor Road, and were marked and accepted into evidence as Protestants' Exhibits 2A through 2C, respectively. Mr. Wilder of 11911 Manor Road and Mr. Eberle also mailed separate letters in opposition that were marked and accepted into evidence as Protestants' Exhibits 2D and 2E, respectively. Finally, a letter of concern was mailed by Peter J. Smith of 11905 Manor Road. This letter, which was marked and accepted into evidence as Protestants' Exhibit 2F, does not support or oppose the requested relief, but requests an equitable solution to the issue.

Following the hearing, and in part due to the granting of the amendment to the variance petition, the undersigned permitted the record of this case to be kept open for approximately one week to allow neighbors and interested persons the opportunity to consider the effects, if any, of the amended petition on their respective positions in this matter. The undersigned received additional letters from Mr. Wilder and Mr. Eberle, reiterating their opposition to the requested relief. To paraphrase their position, in addition to their aforementioned testimony, they contend that Petitioner has not met his burden of proof under Section 307.1 of the B.C.Z.R. in establishing that special circumstances or conditions exist that are peculiar to the land or structure that is the subject of the variance request, nor have Petitioners proven that strict compliance with the Zoning

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Regulations would result in practical difficulty or unreasonable hardship. Mr. and Mrs. Underwood also submitted a letter reiterating their position that altering the setback would be detrimental to the neighborhood. Mr. Smith submitted an email indicating he felt the amended variance request was reasonable and that there would still be adequate space between neighbors; however, he also expressed concern over Mr. Eberle's disapproval, since he would be the neighbor most affected by the variance. Finally, Mr. and Mrs. Kness submitted an email reiterating their desire to be granted the amended variance. They pointed to the fact that the proposed addition would only encroach into the 50 foot setback by 5 feet; that the placement of their home on the lot at an angle necessitates the variance relief; and that they wish to alter the entrance into their home and move it from right next to the garage, to an area further away from the garage for child and guest safety reasons.

This case presents an interesting and compelling example of the dichotomy between fact and law, and the inherent difficulty of deciding these types of cases, especially between opposing neighbors. On the one hand, the facts of the case are very straightforward and the competing parties have articulated their positions very clearly. On the other hand, the law as it pertains to variances is also very straightforward and clear. With such a backdrop, one would think this is a very easy matter to decide; but nothing could be farther from the case.

As originally filed, Petitioner was seeking substantial variance relief from the side yard setback requirement; to wit, Petitioner sought a side yard setback of 26 feet in lieu of the required 50 feet -- almost half of the required setback. This was a significant request and likely would have affected the adjacent property owner, Mr. Eberle, and would have disrupted the balance in this small neighborhood with fairly large homes and lots. However, as it turns out, due to a miscalculation, Petitioner was actually in need of a side yard setback of 45 feet -- only 5 feet less than what is required by the Zoning Regulations. Perhaps if this had been Petitioner's initial

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request as filed, the head of steam that gathered in opposition to the request would not have been as great. Nonetheless, the case garnered almost universal opposition from the homes located nearby in this private cul-de-sac.

As a result of this sustained opposition, it was incumbent upon Petitioner in presenting its case to meet the burden of proof necessary for variance relief. Such proof could have effectively muted Protestants' opposition. There is no disputing that Petitioner has valid reasons for wanting to build the addition depicted on the site plan, such as providing a better and safer everyday entrance area for his family and guests. What is in dispute is whether Petitioner has fulfilled the requirements of the B.C.Z.R. governing variance requests, and the applicable case law interpreting the regulations. Unfortunately in this case, Petitioner has not met his burden of proof.

In considering a request for variance, I must do so in accordance with the mandate of *Cromwell v. Ward*, 102 Md.App. 691 (1995) and Section 307.1 of the B.C.Z.R. The Court of Special Appeals of Maryland interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that there exists a peculiar characteristic or unusual circumstances relating only and uniquely to that property and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property meets this "uniqueness" threshold, only then can it be considered as to whether compliance with the regulation would cause a practical difficulty or undue hardship upon Petitioner and be unnecessarily burdensome. It is also important to remember that self-inflicted hardship generally will not be recognized as the basis for the second prong -- that is, Petitioner cannot be the creator of his own misfortune that necessitates the need for variance.

In the instant matter, other than the placement of the home on the property at an angle, there is insufficient evidence to find unusual conditions or characteristics that are unique to this lot. In fact, several of the lot sizes and angled placement of homes in this neighborhood are

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similar. As such, Petitioner is unable to meet the uniqueness requirement. Moreover, even if I did find that Petitioner had overcome this threshold, there would still be the issue of practical difficulty or unreasonable hardship. In this case, the design and size of Petitioner's addition and open deck are what create the need for the variance. As indicated by the main Protestant, Mr. Eberle, Petitioner has several alternatives and could easily design his addition and decking to be within the 50 foot side yard setback requirement.

In conclusion, I am compelled in this case to deny Petitioner's variance request based on the facts as presented and the applicable law which I am duty-bound to follow. Unfortunately, whether the request is for 5 feet or 25 feet, the law treats the requests the same and does not account for the "degree" or "extent" of the request. I will say that it is disappointing that neighbors, especially in a small neighborhood such as this, would not have better communication and understanding amongst themselves. In the whole scheme of things, Petitioner's request for a 5 foot intrusion into the 50 foot setback is, in my view, benign and would have little if any negative effect on the neighborhood. In that sense, it is regrettable that Mr. Eberle would take such a hard line against Petitioner's request and also spur other neighbors to take the same position. One could argue it is a disproportionate response to the nature and extent of the requested relief. On the other hand, as I indicated previously, if the variance request had been filed accurately at the outset and neighbors, including Mr. Eberle, had seen from the beginning that the request was relatively minor, perhaps the opposition would not have been as prevalent. That is an issue that cannot be resolved at this juncture.

For the reasons given above, pursuant to the advertisement, posting of the property, and public hearing on this petition held and after consideration of the testimony and evidence offered by the parties, the requested variance should be denied.

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THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of April, 2009 that Petitioner's amended request for Variance from Section 1A04.3.B.3 (1996) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 45 feet in lieu of the required 50 feet, and to amend the Final Development Plan of the Alice M. Smith Property, Lot 4 only, pursuant to Section 103.3 of the B.C.Z.R. be and are hereby DENIED.

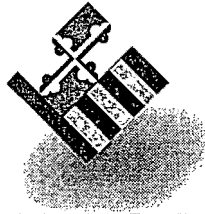
IT IS FURTHER ORDERED that the Variance request to permit an open deck with a side yard setback of 23 feet in lieu of the required 37.5 feet be and is WITHDRAWN, since the amended request for an open deck with a side yard setback of 40 feet does not require variance relief.

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

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 28, 2009

KIRK AND TAMMY KNESS
11837 MANOR ROAD
GLEN ARM MD 21057

Re: Petition for Administrative Variance
Case No. 2009-0208-A
Property: 11837 Manor Road

Dear Mr. and Mrs. Kness:

Enclosed please find the decision rendered in the above-captioned case.

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 "Tom H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

c: Austin B. Childs with Chickenranch Design Studio, 16260 Falls Road, Monkton MD 21111
Mark Harman, 802 Hickory Ridge Drive, Bel Air MD 21015
Thomas A. Wilder, 11911 Manor Road, Glen Arm MD 21057
Christopher R. Eberle, 11835 Manor Road, Glen Arm MD 21057
Vicky Georgetti, 11833 Manor Road, Glen Arm MD 21057
Koon and Judy Wong, 11831 Manor Road, Glen Arm MD 21057
Kent and Sheila Underwood, 11839 Manor Road, Glen Arm MD 21057
Peter J. Smith, 11905 Manor Road, Glen Arm MD 21057



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11837 MANOR 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) 1A04.3 B.3 (1981E); 103.3; 301.1.A

45 ft - amended

To permit an addition with a side yard setback of 26 feet in lieu of the required 50 feet,
To permit an open deck with a side yard setback of 23 feet in lieu of the required
37.5 feet and to amend the Final Development plan of Alice M. Smith for lot 4 only.

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. *→ 40 ft*

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):

Kirk Kness
Name - Type or Print _____
Signature *Kirk Kness* _____
Name - Type or Print _____
Signature _____

Address 11837 Manor Road Telephone No. 410 668 8267
Glen Arm, Maryland 21057
City _____ State _____ Zip Code _____

Representative to be Contacted:

AUSTIN D. CHILDS
Name _____
Address 16260 FALLS RD. Telephone No. 410 472 2488
MONKTON MD 21111
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. 2009-0208-A

Reviewed By *[Signature]* Date 2/10/09

REV 10/25/01

Estimated Posting Date 2/22/09

4-28-08

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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

Address 11837 MANOR RD.
City COLLEN ARM State MD Zip Code 21057

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):

The existing configuration of the house does not allow adequate, safe, and functional access from the driveway (west) side.
After conducting site analysis and evaluation of the existing conditions, it has been determined that a modest, one story addition (approximately 250 sq. ft.) will resolve the issues at hand, and, as a benefit to the homeowners and neighbors alike, will provide aesthetic improvement to the west side of the house.

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.

Kirk E Kness
Signature
KIRK E KNESS
Name- Type or Print

Signature

Name- Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of JANUARY, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Diane M. Cooperman
Notary Public

My Commission Expires 3/9/2012

DIANE M. COOPERMAN

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

11837 MANOR RD.
Address
COLLEN 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):

The existing configuration of the house does not allow adequate, safe, and functional access from the driveway (west) side.

After conducting site analysis and evaluation of the existing conditions, it has been determined that a modest, one story addition (approximately 250 sq. ft.) will resolve the issues at hand, and, as a benefit to the homeowners and neighbors alike, will provide aesthetic improvement to the west side of the house.

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.

Kirk E. Kness
Signature
KIRK E KNESS
Name Type or Print

Signature

Name Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 30th day of JANUARY, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Diane M. Cooperman
Notary Public

My Commission Expires

3/9/2012

DIANE M. COOPERMAN

**Zoning Description for
11837 Manor Road
Glen Arm, Maryland 21057**

Beginning at a point on the east side of Manor Road which is 30 ft. wide at the distance of 100 feet North of the centerline of the nearest intersecting street, Morgan Mill Road, which is 20 feet wide. Being Lot # 4, in the subdivision of Alice M. Smith Property as recorded in Baltimore County Plat Book # 0068, Folio # 0107, containing 1.48 acres. Also known as 11837 Manor Road and located in the 11th Election District, 3rd Councilmanic District.

2009-0208-A

No: 35030

Date:

Rev	Sub	Source/	Rev/
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[illegible]

Total:

Rec From:

FOR

DISTRIBUTION

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

GOLD - ACCOUNTING

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 02/24/09

Case Number: 2009-0208-A

Petitioner / Developer: KIRK KNESS ~ AUSTIN CHILDS AIA

Date of Hearing (Closing): MARCH 9, 2009

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:
11837 MANOR ROAD

The sign(s) were posted on: FEBRUARY 21, 2009



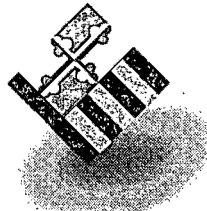
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
March 3, 2009 *Department of Permits and
Development Management*

Kirk Kness
11837 Manor Road
Glen Arm, MD 21057

Dear Mr. Kness:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 2009-0208-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 by Thomas Wilder on February 26, 2009 requiring a public hearing concerning the above proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. 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 Lenny Wasilewski at 410-887-3391.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Austin Childs, 16260 Falls Road, Monkton 21111
Thomas Wilder, 11911 Manor Road, Glen Arm 21057



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2009-0203-A

Address: 11837 MANOR Rd.

Petitioner(s): ~~Thomas A. Wilson~~ Kirk KNESS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Thomas A Wilson
Name - Type or Print

☒ Legal Owner OR ☐ Resident of
11911 MANOR Rd
Address

Glen Arm MD 21051
City State Zip Code

410 663-9707
Telephone Number

which is located approximately 60 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.**

 02-26-09
Signature Date

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

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

No. **35214**

Date: **2/3/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRH
 1/04/2009 3/03/2009 09:19:37 2

REG WSO2 MAIL JEVA JEE
 >>R RECEIPT # 625624 3/03/2009 OFLN

5 528 ZONING VERIFICATION

ID. 035214

Recpt Tot \$50.00

\$50.00 CK \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Item
001	806	0000		6150				50.00	CR

Total: **50.00**

Rec From: **Thomas + Linda Wilder**

For: **Formal Demand - 09-208-A**
11837 Manor Rd

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: # 2009-0208-A

11837 Manor Road

E/side of Manor Road, 100 feet north of centerline of Morgan Mill Road

11th Election District — 3rd Councilmanic District

Legal Owner(s): Kirk Kness

Variance: to permit an addition with a side yard setback of 26 feet in lieu of the required 50 feet, to permit an open deck with a side yard setback of 23 feet in lieu of the required 37.5 feet and to amend the final development plan of Alice M. Smith, for lot 4 only.

Hearing: Wednesday, April 1, 2009 at 9:00 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 3/7/07 Mar. 17

196752

CERTIFICATE OF PUBLICATION

3/19, 2009

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 3/17, 2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 03/17/09

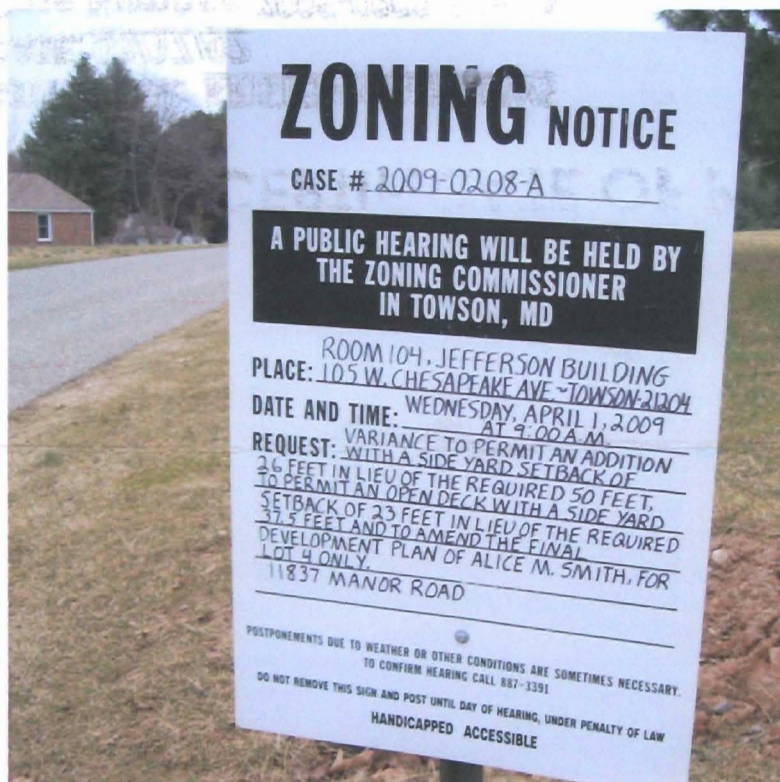
Case Number: 2009-0208-A

Petitioner / Developer: KIRK KNESS~AUSTIN CHILDS AIA~
THOMAS WILDER

Date of Hearing (Closing): APRIL 1, 2009

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:
11837 MANOR ROAD

The sign(s) were posted on: MARCH 16, 2009



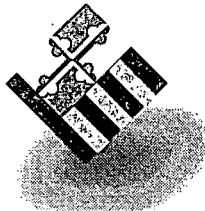
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 3, 2009
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0208-A

11837 Manor Road

E/side of Manor Road, 100 feet north of centerline of Morgan Mill Road

11th Election District – 3rd Councilmanic District

Legal Owners: Kirk Kness

Variance to permit an addition with a side yard setback of 26 feet in lieu of the required 50 feet, to permit an open deck with a side yard setback of 23 feet in lieu of the required 37.5 feet and to amend the final development plan of Alice M. Smith, for lot 4 only.

Hearing: Wednesday, April 1, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Kirk Kness, 11837 Manor Road, Glen Arm 21057
Austin Childs, 16260 Falls Road, Monkton 21111
Thomas Wilder, 11911 Manor Road, Glen Arm 21057

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 17, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 17, 2009 Issue - Jeffersonian

Please forward billing to:
Kirk Kness
16260 Falls Road
Monkton, MD 21111

410-668-8267

NOTICE OF ZONING HEARING

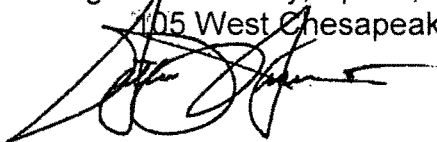
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CASE NUMBER: 2009-0208-A

11837 Manor Road
E/side of Manor Road, 100 feet north of centerline of Morgan Mill Road
11th Election District – 3rd Councilmanic District
Legal Owners: Kirk Kness

Variance to permit an addition with a side yard setback of 26 feet in lieu of the required 50 feet, to permit an open deck with a side yard setback of 23 feet in lieu of the required 37.5 feet and to amend the final development plan of Alice M. Smith, for lot 4 only.

Hearing: Wednesday, April 1, 2009 at 9:00 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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0208 -A Address 11837 MANOR Rd

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

Filing Date: 2/10/09 Posting Date: 2/22/09 Closing Date: 3/9/09

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, 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.
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 2009- 0208 -A Address 11837 MANOR Rd
Petitioner's Name Kirk Kress Telephone 410 668 8267
Posting Date: 2/22/09 Closing Date: 3/09/09
Wording for Sign: To Permit

To permit an addition with a side yard setback of 26 feet in lieu of the required 50 feet,
To permit an open deck ~~addition~~ with a side yard setback of 23 feet in lieu of the required
37.5 feet and to amend the Final Development plan of Alice M. Smith for lot 4 only.

WCR - Revised 7/7/08

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0208 -A Address 11837 MANOR Rd
Contact Person: LEONARD W. Spilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/10/09 Posting Date: 2/22/09 Closing Date: 3/9/09

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)

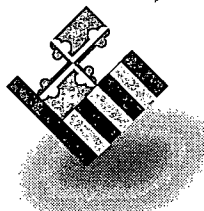
Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0208 -A Address 11837 MANOR Rd
Petitioner's Name Kirk Kress Telephone 410 668 8267
Posting Date: 2/22/09 Closing Date: 3/09/09
Wording for Sign: To Permit

To permit an addition with a side yard setback of 26 feet in lieu of the required 50 feet,
To permit an open deck addition with a side yard setback of 23 feet in lieu of the required
37.5 feet and to amend the Final Development plan of Alice M. Smith for lot 4 only.

WCR - Revised 7/7/08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 26, 2009

Kirk Kness
11837 Manor Rd.
Glen Arm, MD 21057

Dear: Kirk Kness

RE: Case Number 2009-0208-A, 11837 Manor Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 10, 2009. 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Austin B Childs; 16260 Falls Rd.; Monkton, MD 21111

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

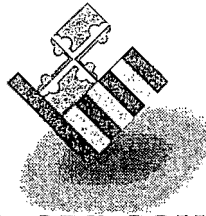
DATE: February 18, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2009
Item Nos. 2009-0200, 0203, 0205,
0206, 0207, ~~0208~~ and 0209

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

DAK:CEN:Irk
cc: File
ZAC-02232009-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 19, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 16, 2009

Item Numbers 0200, 0203, 0204, 0205, 0206, 0207, ~~0208~~, 0210

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 9, 2009

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

SUBJECT: 11837 Manor Road

INFORMATION:

Item Number: 9-208

Petitioner: Kirk Kness

Zoning: RC 5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided a landscape buffer is planted along the western side of the property to provide screening for the adjacent neighbor from the new development.

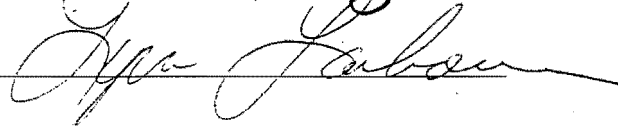
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM





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: Feb. 23, 2009

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

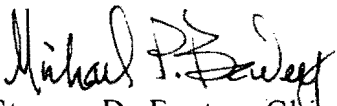
RE: Baltimore County
Item No 2009-0208A
11837 MANOR RD
KNESS PROPERTY
ADMINISTRATIVE VARIANCE

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. 2009-0208-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



TB
4-1-09

Kent and Sheila Underwood
11839 Manor Road
Glen Arm, Maryland 21057

April 6, 2009

RECEIVED

APR 08 2009

ZONING COMMISSIONER

Mr. Thomas H Bostwick
Deputy Zoning Commissioner
Zoning Commissioners Office
105 West Chesapeake Ave.
Suite 103
Towson, MD 21204

Ref: Case 2009-0208-A Variance Request for 11837 Manor Road, Smith Property

Dear Mr. Bostwick,

This letter is in response to the Variance Request for 11837 Manor Road. Our residence is 11839 Manor Road, which is on the east side of the above stated property.

Our home is our most valuable asset. Any consideration to alter the existing setback would be viewed as detrimental to property values of our home and the other homes sharing the neighborhood. The building envelope was established so that all the lots in the Smith Manor Property would be uniform. Changing the allowed setback would alter the appearance of the neighborhood and reduce the value of the existing properties. Also, allowing a change to occur will provide an avenue for others to also ask for variances.

It is our belief that the owners of 11837 can build within their building envelope without asking for this variance. Thank you for your consideration in this matter.

Sincerely,



Kent and Sheila Underwood

Christopher R Eberle
11835 Manor Road
Glen Arm, MD 21057

April 3, 2009

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner
Zoning Commissioners Office
105 West Chesapeake Ave.
Suite 103
Towson, MD 21204

RECEIVED

APR 08 2009

ZONING COMMISSIONER

Ref: Case 2009-0208-A Variance Request for 11837 Manor Road, Smith Property

Dear Mr. Bostwick,

Thank you for taking the time to listen to my argument against granting any variance in regard to case 2009-0208-A.

My position remains the same regarding the case as there are no "special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the request and where strict compliance with Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." which would justify the granting of a zoning variance.

As shown during the hearing, there is ample room within the existing building envelope to place an adequate "mud room" of the size desired simply by slightly changing the current plans and there is no hardship on the part of the requestor to make these minor changes.

In closing, **No variance should be granted.**

I can be reached at any time on my cell phone 443-676-1793 if you have additional information needs or questions regarding my request to **please deny variance request 2009-0208-A**

Sincerely,


Christopher R. Eberle

Cell: 443-676-1793

Work: 410-843-6050

Home: 410-821-8224

TB
4-1-09

Thomas A. Wilder
Linda S. Wilder
11911 Manor Rd.
Glen Arm, Md. 21057
410-663-9707

RECEIVED

APR 07 2009

ZONING COMMISSIONER

April 02, 2009

Honorable Thomas H. Bostwick
Deputy Zoning Commissioner
Zoning Commissioners Office
105 W. Chesapeake Avenue Ste 103
Towson, Md. 21204

RE: Case number 2009-0208-A. Location : East side of Manor Rd; 100 ft north of the centerline of Morgan Mill Rd. 11th Election District. Legal owner Kirk Kness; 11837 Manor Rd., Glen Arm, Md. 21057

Specifically, the variance is to permit: "An amended variance to permit a room and deck to be built which extends 5 feet into the existing 50 foot recorded setback" and to amend the final development plan of Alice M. Smith for lot 4 only.

Dear Mr. Bostwick;

Thank you for taking the time to consider the dissenting points to the granting of this variance presented by both myself and Mr. Eberle as well witnessing the community opposition to the granting of this variance as exhibited in the letters which were sent by the other affected parties within our minor subdivision developed by Alice M. Smith.

The petitioner, (Ms. Kness), her Architect (Mr. Childs) as well as the Kness' builder had an opportunity to testify and to amend the size of the variance requested. However, per BCZR Art. 3, § 307.1 -Authority to grant variances, their testimony failed to distinguish any "special circumstances or conditions exist that are peculiar to the land or the structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship."

Specifically, ingress and egress were sighted as one of the reasons for the variance. My home is of similar circumstance with an entrance to my house through the garage. However, my home does not even have a exterior door entrance to the garage which the Kness' home possesses. I am attaching a picture of the side entrance of my home to exhibit that the Kness's position of ingress and egress to their garage area is not unique to our development.

This being said, I do not feel that the Petitioners have demonstrated the uniqueness or special circumstances or special or unique site conditions that can prevent the Kness's from building their addition without a variance and within the existing building setbacks. The petitioner can achieve their intentions by modifying the size or shape and location of their proposed addition.

Therefore, I am still opposed to any variance being granted for this building process. And I also believe that the burden of proof of: hardship, special circumstances or site conditions being necessary in order to grant this variance has not been met. Therefore the variance should not be granted per BCZR Art. 3, § 307.1.

I appreciate your attention with this matter. If you have any questions or comments, please feel free to call me at 443-540-4991 or 410-663-9707. I will be available to you at all times regarding this matter.

Thank you.

A handwritten signature in black ink, appearing to read "Thomas A. Wilder", with a long horizontal flourish extending to the right.

Thomas A. Wilder

cc: File

Attachment

Side view of the Wilder Residence
11911 Manor Rd, Glen Arm, MD 21057

Please note:

NO exterior entry door o/t garage bay doors nor any
side personal entry doors on either side elevation



Vicky Georgetti
11833 Manor Road
Glen Arm, MD 21057

March 5, 2009

Department of Permits and Development Planning
County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

Ref: Case 2009-0208-A Variance Request for 11837 Manor Road, Smith Property

Dear Zoning Commissioner,

Please accept this letter as my formal request to **not approve** the proposed property building setbacks requested in case 2009-0208-A for the Smith property also known as 11837 Manor Road, Glen Arm MD 21057.

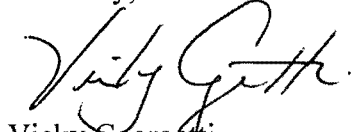
As a property owner in the subdivision I object to the variance request. The original development plans, that everyone within the development agreed to before building, clearly defines a 50 foot side building setback from the property line. All of the residents (including the requestor) conformed to the required setback specifications.

I believe that the request if granted will adversely impact the aesthetics of the development, the neighborhood property values, and can also set a precedent for future deviation and degradation of the agreed upon original sub division plan.

Please deny variance request 2009-0208-A

Thank your support and consideration of my request

Sincerely,



Vicky Georgetti
410-663-8384

PROTESTANT'S

EXHIBIT NO.

2A-F

Koon and Judy Wong
11831 Manor Road
Glen Arm, MD 21057

March 5, 2009

Department of Permits and Development Planning
County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

Ref: Case 2009-0208-A Variance Request for 11837 Manor Road, Smith Property

Dear Zoning Commissioner,

Please accept this letter as my formal request to **not approve** the proposed property building setbacks requested in case 2009-0208-A for the Smith property also known as 11837 Manor Road, Glen Arm MD 21057.

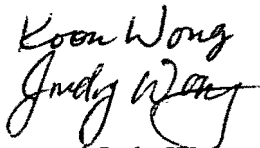
As a property owner in the subdivision I object to the variance request. The original development plans, that everyone within the development agreed to before building, clearly defines a 50 foot side building setback from the property line. All of the residents (including the requestor) conformed to the required setback specifications.

I believe that the request if granted will adversely impact the aesthetics of the development, the neighborhood property values, and can also set a precedent for future deviation and degradation of the agreed upon original sub division plan.

Please deny variance request 2009-0208-A

Thank your support and consideration of my request

Sincerely,



Koon and Judy Wong

Work: 410-675-2191
Home: 410-663-6817

Kent and Sheila Underwood
11839 Manor Road
Glen Arm, MD 21057

March 5, 2009

Department of Permits and Development Planning
County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

Ref: Case 2009-0208-A Variance Request for 11837 Manor Road, Smith Property

Dear Zoning Commissioner,

Please accept this letter as my formal request to **not approve** the proposed property building setbacks requested in case 2009-0208-A for the Smith property also known as 11837 Manor Road, Glen Arm MD 21057.

As a property owner in the subdivision I object to the variance request. The original development plans, that everyone within the development agreed to before building, clearly defines a 50 foot side building setback from the property line. All of the residents (including the requestor) conformed to the required setback specifications.

I believe that the request if granted will adversely impact the aesthetics of the development, the neighborhood property values, and can also set a precedent for future deviation and degradation of the agreed upon original sub division plan.

Please deny variance request 2009-0208-A

Thank your support and consideration of my request

Sincerely,

Kent Underwood *Sheila Underwood*

Kent and Sheila Underwood
410-661-3489

Christopher R Eberle
11835 Manor Road
Glen Arm, MD 21057

February 25, 2009

Department of Permits and Development Planning
County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

Ref: Case 2009-0208-A Variance Request for 11837 Manor Road, Smith Property

Dear Zoning Commissioner,

Please accept this letter as my formal request to **not approve** the proposed property building setbacks requested in case 2009-0208-A for the Smith property also known as 11837 Manor Road, Glen Arm MD 21057.

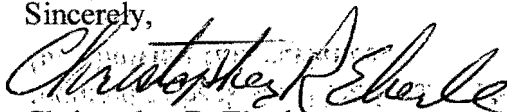
As the primary resident impacted by the proposed variance, I adamantly object to the extent of the variance requested. The original development plans that everyone within the development agreed to before building, clearly defines a 50 foot building setback from the property line. All of the residents (including the requestor) conformed to the required setback specifications. **There is no existing precedence in the development for allowing this variance.**

I believe that the request is **extremely excessive in regard to the amount of variance requested** and if the variance is granted it **will adversely impact my property value as well as the enjoyment of my property.** To a large extent **I purchased my property due to the 50 foot setback specification** (100 feet between buildings) and allowing this excessive variance is not acceptable to me, the resident most impacted by the request in the development.

Thank you in advance for your support and consideration of my request

I can be reached at any time on my cell phone 443-676-1793 if you have additional information needs or questions regarding my request to **please deny variance request 2009-0208-A**

Sincerely,



Christopher R. Eberle

Cell: 443-676-1793

Work: 410-843-6050

Home: 410-821-8224

Thomas A. Wilder
Linda S. Wilder
11911 Manor Rd.
Glen Arm, Md. 21057
410-663-9707

February 25, 2009

Zoning Review Office
Baltimore County Office Building, Rm 111
111 W. Chesapeake Avenue
Towson, Md. 21204

RE: Request for public hearing for Administrative Variances; Case number 2009-0208-A. Location : East side of Manor Rd; 100 ft north of the centerline of Morgan Mill Rd. 11th Election District. Legal owner Kirk Kness; 11837 Manor Rd., Glen Arm, Md. 21057

Specifically, the variance is to permit: "An addition with a side yard setback of 26 feet in lieu of the required 50 feet, to permit an open deck with a side yard setback of 23 feet in lieu of the required 37.5 feet and to amend the final development plan of Alice M. Smith for lot 4 only."

Our dissenting position on this issue is as follows:

I hereby request public hearing for Administrative Variances 11837 Manor Rd., Glen Arm, Md. 21057

There is nothing unique about the situation of the homeowner at 11837 Manor Rd., Glen Arm, Md. 21057. **There are other ways to accomplish his desires for an addition which do not require a variance such as designing the addition towards the rear of his property.** As it is designed, it encroaches on the side of the property which violates the covenants which were agreed upon purchasing his property as well as the filed site plan of Alice M. Smith which was in place when the petitioner purchased his property.

As the homeowner relied on the covenants and restrictions as well as the setback restrictions as defined upon the purchase of his property, there are no hardships imposed on the petitioner if the variance is not granted. THEREFORE, NO VARIANCE SHOULD BE GRANTED!

I appreciate your attention with this matter. If you have any questions or comments, please feel free to call me at 443-540-4991. I will be available to you at all times regarding this matter.

Thank you.



Thomas A. Wilder

March 6, 2009

Peter J. Smith
11905 Manor Road
Glen Arm, MD 21057

Department of Permits and Development Planning
County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

RE: Variance Request
Zoning Case 2009-0208-A
11837 Manor Road
L/O Alice M Smith, Lot 4
Tax ID # 112200027346

Dear Zoning Commissioner:

I request a formal zoning meeting to settle the disputed variance request of the above-referenced property (11837 Manor Road).

Apparently, the property owner of 11837 Manor Road (Kirk Kness) is proposing an addition and deck. The proposed addition is 26 feet from the property line (the current restriction is 50 feet), and the proposed deck is 23 feet from the property line (the current restriction is 37.5 feet).

The adjacent property owner at 11835 Manor Road (Christopher Eberle) has expressed a strong objection to this variance request. The proposed addition and deck will significantly decrease the distance between his residence and Kirk Kness's residence causing possible loss of his property value and enjoyment life.

I also live within the Alice M Smith subdivision at 11905 Manor Road and enjoy the peace and beauty of the Glen Arm area. To sustain a positive community atmosphere, I hope you can come to a solution that will be mutually fair to both parties.

Thank you for considering my request. If you have any questions, please contact me at (410) 665-7748.

Sincerely,

A handwritten signature in cursive script that reads "Peter J. Smith". The signature is written in dark ink and is positioned above the printed name.

Peter J. Smith

Thomas Bostwick - Variance Case 2009-0208-A, 11837 Manor Road, L/O Alice Smith, Lot 4 - Kness

From: "Kness, Tammy" <Tammy-K@vips.com>
To: <tbostwick@baltimorecountymd.gov>
Date: 04/10/09 10:59:14 AM
Subject: Variance Case 2009-0208-A, 11837 Manor Road, L/O Alice Smith, Lot 4 - Kness
CC: <kkness2@gmail.com>

Dear Mr. Bostwick:

Thank you again for hearing zoning case 2009-0208-A on April 1, 2009 and providing my husband, Kirk Kness, and I the opportunity to discuss the amended variance request with our neighbors. Since the hearing, Kirk and I have had the opportunity to review the amended variance request with a number of our neighbors - Wong, Georgetti, Smith and Underwood. Wong, Georgetti and Smith now understand the variance request has been amended to 5 feet and have seen the plat diagrams as well as the architectural diagrams for the planned addition. These neighbors shared that the revised request for a 5 foot variance is reasonable. However, both Georgetti and Wong are reluctant to get involved since the request is met with opposition from Christopher Eberle, our adjacent neighbor/property owner. On Wednesday, April 8, 2009, Peter and Shana Smith submitted an email to your attention documenting their thoughts related to the variance request. After speaking with Mr. Underwood on several occasions since the April 1 hearing, Mr. Underwood does understand the variance request has been amended to 5 feet. He has not indicated whether or not he is supportive of the amended request.

Kirk and I believe our request for a 5 foot variance is reasonable. The proposed addition will increase our property value as well as the property value of our neighbors. As indicated at the hearing, the 5 foot variance is needed to address the corner of the planned addition. From an architectural perspective, variance relief is required for the corner of the addition since the existing house is positioned in an angled fashion on the lot. The photographs provided in support of our request clearly illustrate that the planned addition will not invade or negatively impact the Eberle's right to privacy. The trees which exist today provide a buffer between our property and the Eberle's property. Additionally, Kirk and I are willing to invest in additional landscape upon completion of the proposed addition to enhance the current buffer.

As indicated at the hearing, Kirk and I specifically designed the addition to completely change entry into our home from the right side of the house to address concerns related to safety of our children as well as guests. This is a true concern of mine that was heightened with the much publicized tragic death of Steven Curtis Chapman's 5 year daughter last May. Mr. Chapman's young daughter was hit in the driveway and killed by her brother - <http://www.people.com/people/article/0,,20201819,00.html>. Changing the entry to our house in the high traffic area will not prevent accidents from happening, but it mitigates the risk significantly.

Thank you again for hearing our variance request and considering the information provided above. Kirk and I look forward to your decision.

Regards,

Tammy Kness

Office: 410.832.8300 ext. 8888
Fax: 410.832.8333 | Mobile: 410.299.7538
email: tammy-k@vips.com

**Thomas Bostwick - Variance Case 2009-0208-A, 11837 Manor Road, L/O
Alice Smith, Lot4, Tax ID # 112200027346**

From: Peter and Shana Smith <peter_n_shana@hotmail.com>
To: <tbbostwick@baltimorecountymd.gov>
Date: 04/08/09 4:38:09 PM
Subject: Variance Case 2009-0208-A, 11837 Manor Road, L/O Alice Smith, Lot4,
Tax ID # 112200027346
CC: <kkness2@gmail.com>

Dear Mr. Bostwick:

Thank you for hearing zoning case 2009-0208-A on April 1, 2009. According to correspondence from my neighbors, the architect incorrectly filed for a variance of 26 feet from the property line (the current restriction is 50 feet) instead of the corrected distance of 45 feet.

Although the variance distance has decreased from 24 feet to 5 feet, the adjacent property owner at 11835 Manor Road (Christopher Eberle) is still concerned with the addition exceeding the setback restriction of 50 feet and invading his right to privacy. He feels that an acceptable solution can be built within the existing building envelope and the approval of this variance will compromise the design of the neighborhood causing a precedent for future variances and loss of property values within the Alice M Smith subdivision.

The owner of the property requesting the variance (Kirk Kness) feels that the mud room cannot be successfully built in a manner that is useful to his family and aesthetically appealing to the rest of Alice Smith subdivision without approval of the 5 foot variance. Kirk Kness wants to build the mudroom to increase the living space for his growing family, decrease damage to the interior of his house, and reduce the risk of harm/death to his children from vehicular traffic near the entry door.

Since I live on the existing lot in the Alice Smith subdivision and am only approximately 36 feet from my neighboring house, a distance of over 95 feet from house to house seems reasonable; however, I am concerned when a variance request meets with disapproval from an adjacent property owner and neighborhood friend.

Thank you for taking the time to read my letter. Please consider the above items when reviewing the above-mentioned variance request. If you have any questions, please contact me at (410) 665-7748.

Sincerely,
Peter J. Smith

Rediscover Hotmail®: Get e-mail storage that grows with you. [Check it out.](#)

CASE NAME

DATE April 1, 2009

E-MAIL

[illegible]

NE 15-D

2400011271
Pt. Bk. 78 Folio 373

RC 4

NE 15-E

MANOR RD

ECHO VALLEY RD

Lower Gunpowder Hydrology 100 Foot Stream Buffer

2400011272

1800013989

RC 6

3008525

19940410

053A3

RC 5

2200027343

11823

19940199

1900000354

11817

Pt. Bk. 47 Folio 19
1900000684

1900000685

1900000686

BRIDLE VALLEY RD

11917

1105053125

4204

1103068030

1111039310

1105053280

19990304

19810087

11913

2300001811

1102057500

11909

2300001812

1900011459

4217

11907

1113020100

11905

2200027348

Flood Zone X

3 CD

053B3

11 ED

SMITH, ALICE & DAVID (PDM File/Project # 11-749)

11833

2200027344

NE 14-D

2200027345

11835

11837

2200027346

Pt. Bk. 68 Folio 107

NE 14-E

2200027347

2300003999

2009-0208-A

Case No.: 2009-0208-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Booklet of Christopher Eberle in opposition to request
No. 2	FDP for "Smith Property"	A-F - letters of opposition from neighbors
No. 3	Aerial Photograph	
No. 4 A-E	Photographs of Property	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Pics Athena 2009-0208

PETITIONER'S

EXHIBIT NO.

4A-E





Baltimore County - My Neighborhood



PETITIONER' S

EXHIBIT NO. 3

2009-0208-A

Christopher R Eberle
11835 Manor Road
Glen Arm, MD 21057

March 31, 2009

Department of Permits and Development Planning
County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

PROTESTANT'S

EXHIBIT NO. 1

Ref: Case 2009-0208-A Variance Request for 11837 Manor Road, Smith Property

Dear Zoning Commissioner,

As the primary property owner that is the most adversely impacted by this egregious request, I strongly object to the granting of the requested variance.

All of the residents in the subdivision agreed to the covenants and zoning setbacks when building their homes. The agreed upon covenants (attachment A) clearly state in the Recitals (B) "The Declarant, for the purpose of creating and maintaining a general scheme of the development and for the protection of the economic interest of the Declarant, desires that the aforesaid lots be subject to the covenants, conditions and restrictions hereinafter set forth, for the benefit of the Declarant, and the future owners of all lots in the development". Also in the covenants, Article II Section 2 Benefit states that "The restrictions and agreements set forth herein are made for the mutual and reciprocal benefit of each and every Lot in the Subdivision and are intended to create mutual, equitable servitudes upon each of said lots in favor of each and all of the other lots therein; to create reciprocal rights between the respective owners of all of said lots; **to create a privity of contract and estate between the grantees of said lots**, their heirs, successors and assigns, operate as covenants running with the land for the benefit of each and all other lots in the Subdivision".

In the zoning request Mr. Kness states that "After conducting **site analysis and evaluation** of the existing conditions, it has been determined that a modest, one story addition (approximately 250 sq. ft.) will resolve the issues at hand, and as a benefit to the

homeowner and neighbors alike, will provide aesthetic improvement to the west side of the house".

As each property owner in the subdivision have submitted letters of objection to case 2009-0208-A requesting that the variance not be granted the owners clearly do not believe this breach of zoning and covenants is a benefit to the neighbors.

Regarding the "site analysis and evaluation", my property has been independently surveyed 2 separate times by McKee and Associates (attachment B). My property corners and west setback is clearly marked with stainless steel bars. I know my property lines.

I utilized my property markers to verify the property line and then used both a laser range finder and surveyors tape to measure the setbacks of my home and the existing structure on the Kness property. This process identified that **the drawings used as the basis for the variance request are wrong.** The minimum distance between the Kness home and the property line is 52 feet not 37'-4" as stated on the proposed revision. **How thorough was the site analysis and evaluation that was theoretically performed for the addition of the mud room?**

I developed a sketch (attachment C) using the measurements I obtained which clearly shows that the Kness addition of a "modest addition" of **a 240 sq. ft. mudroom can be done within the existing building setbacks without a zoning variance.** The requested variance would allow for 600+- sq. ft. addition, **over two times larger than the 250 sq. ft. as stated in the signed affidavit in support of the Administrative Variance!**

I have attached (D-1) a picture that better reflect the layout of the Kness home and the fact that the home angles away from the property line / setback in the area where the addition is to be built. Picture D-2 reflects the view from the property line to my home. These pictures also show that there is nothing unusual about the Kness property that would constitute a building hardship.

In Summary:

- ❖ Zoning Code BCZR Art. 3, 307.1 states variances will be granted "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the request and where strict compliance with Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." There is nothing unique about the Kness property, the home has existed as designed for 10 years (a mudroom does not constitute a hardship).
- ❖ Every property owner in the subdivision has opposed the granting of the variance.
- ❖ Insufficient due diligence and lack of a formal independent site survey make the submitted drawings invalid.
- ❖ The requested variance is not accurate as the dimensions used for the request are wrong.
- ❖ A reasonable mud room addition can, in reality, be built within the existing building envelope without any variance.

In closing, **No variance should be granted.**

I can be reached at any time on my cell phone 443-676-1793 if you have additional information needs or questions regarding my request to **please deny variance request 2009-0208-A**

Sincerely,



Christopher R. Eberle

Cell: 443-676-1793

Work: 410-843-6050

Home: 410-821-8224

001 30 95

A

DECLARATION OF COVENANTS AND RESTRICTIONS

SMITH PROPERTY

IMP ED SURE \$ 2.00
RECORDING FEE 20.00
TOTAL 22.00
Reg# BAGA Rert # 19948
SM DM Blk # 413
Aug 05, 1996 11:28 am

THIS DECLARATION OF COVENANTS AND RESTRICTIONS made this 1st day of August, 1996, by Miliscar, L.L.C., A Maryland Limited Liability Company, hereinafter called the "Declarant".

RECITALS

(A) The Declarant is the owner, in fee simple, of Lots 1, 2, 3, 4 and 5 as shown on the Plat entitled "Final Subdivision Plat, Alice M. Smith (formerly Smith Property)" which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 68, Folio 107.

(B) The Declarant, for the purposes of creating and maintaining a general scheme of development and for the protection of the economic interest of the Declarant, desires that the aforesaid lots be subject to the covenants, conditions and restrictions hereinafter set forth, for the benefit of the Declarant, and the future owners of all lots in the Development.

(C) The purpose of the Covenants and Restrictions is to enhance the quality of the Subdivision, as hereafter defined, and to support maximum property value for the Declarant and future property owners. To further these purposes, the Declarant and each Lot Owner, as hereafter defined, has the individual right, but not any obligation to enforce these Covenants and Restrictions against any violation by means as provided herein or by appropriate legal proceedings. The Declarant has no legal obligation to enforce these Covenants and Restrictions but may selectively act to further its own best interests. Any Lot Owner has the right to retain legal counsel to enforce any of the Covenants and Restrictions.

20
7
NOW, THEREFORE, the Declarant for itself, its successors and assigns, hereby declares that all the lots as shown on the aforesaid Plat, shall be subject to the covenants, restrictions, conditions and reservations hereinafter set forth.

ARTICLE I - DEFINITIONS

The following words, when used in this Declaration, shall have the following meanings:

(a) "The Property" shall mean and refer to all the real property shown on the Record Plat referred to above.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE

DATE

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND

Per

Authorized Signature

Date 8-5-96 Sec. 33-139

DP

HR 8/5/96

(b) "Lot" shall mean and refer to those properties shown and designated as Lots 1, 2, 3, 4 and 5 as shown on the aforesaid Plat. In the event additional property is subjected to these Covenants and Restrictions, then the definition of "Lot" shall also include said added property.

(c) "Dwelling" shall mean and refer to any building or portion of a building situated upon the Property and designated and intended for use and occupancy as a residence by a single family.

(d) "Developer" or "Declarant" shall mean and refer to Miliscar L.L.C. and its successors and assigns.

(e) "Lot Owner" shall mean and refer to every person, group of persons, corporation, trust or other legal entity, or any combination thereof, who holds legal title to a Lot in the Subdivision, provided, that (a) no Lessee (other than a Lessee under a 99 year lease creating a ground rent of such Lot), and (b) no Mortgage or Trustee under a Deed of Trust of any Lot shall be deemed to be a Lot Owner unless and until such Mortgagee or Trustee acquires of record the Mortgagor's or Grantor's equity of redemption in said Lot.

(f) "Subdivision" shall mean the aforesaid Record Plat or an amendment made thereto in accordance with this Declaration.

(g) "Plans and Specifications" shall mean engineering site plans, landscape plans, and architectural working drawings and any other supporting documents which may be required by the Developer.

ARTICLE II - PROPERTY SUBJECT TO DECLARATION AND MUTUALITY OF BENEFIT

SECTION 1. Property. The real property which is and shall be held, conveyed, hypothecated or encumbered, sold, leased, rented, used, occupied and improved subject to these restrictive covenants is located in Baltimore County, State of Maryland, and is more particularly designated on the Plat.

SECTION 2. Benefit. The restrictions and agreements set forth herein are made for the mutual and reciprocal benefit of each and every Lot in the Subdivision and are intended to create mutual, equitable servitudes upon each of said lots in favor of each and all of the other lots therein; to create reciprocal rights between the respective owners of all of said lots; to create a privity of contract and estate between the grantees of said lots, their heirs, successors and assigns, and shall, as to the owners of each such Lot, his heirs, successors or assigns, operate as covenants running with the land for the benefit of each and all other lots in the Subdivision.

FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

SCHEDULE B, SECTION II, EXCEPTIONS:

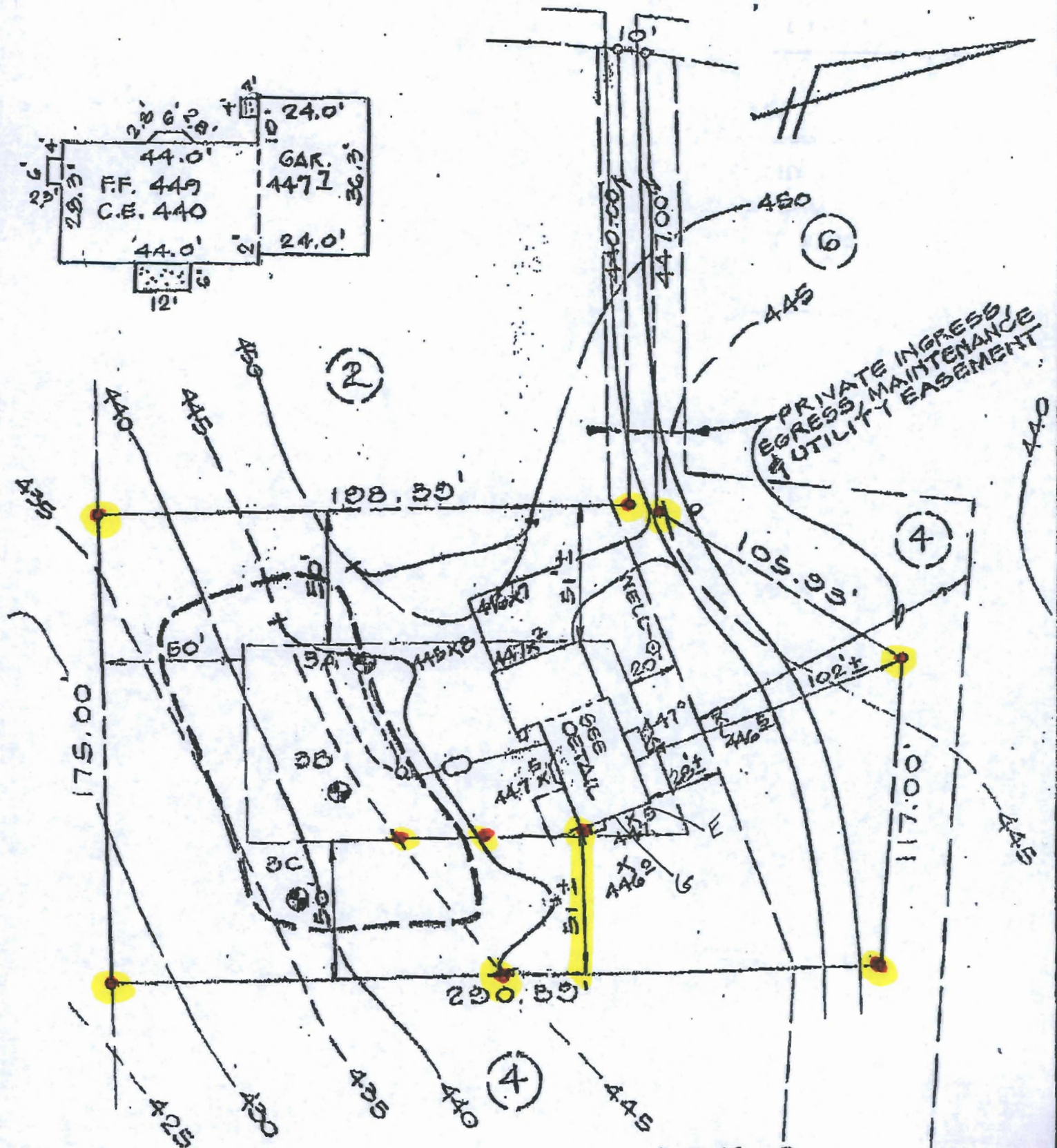
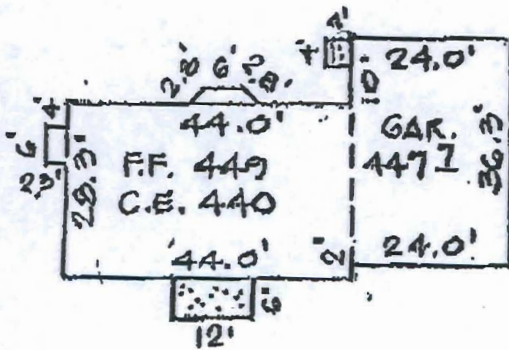
Number 78-48-8325

The following document(s) were recorded among the Land Records of Baltimore County unless otherwise stated: *but omitting any restriction(s) as to race, color, creed, religion and national origin

1. Subject to restrictive covenants and conditions as contained in Declaration of Rights of Ways by Miliscar, L.L.C., et al recorded in Liber No. 11730, folios 684 & 688.
2. Subject to restrictive covenants and conditions as contained in Declaration of Covenants and Restrictions by Miliscar, L.L.C. recorded in liber No. 11730, folio 695.
3. Subject to reservation(s) contained in a Deed to the Eberles, to be recorded among the Land Records of Baltimore County, with regard to rights of ingress and egress and the power to convey same.
4. Subject to Agreement to Consolidated Gas Electric Light and Power Company recorded in Liber No. 1133, folio 56.
5. Subject to all terms, conditions, easements, restrictions, setback lines and other criteria as shown on plat(s) referred to in Exhibit "A" hereof.

MANOR ROAD

(B)



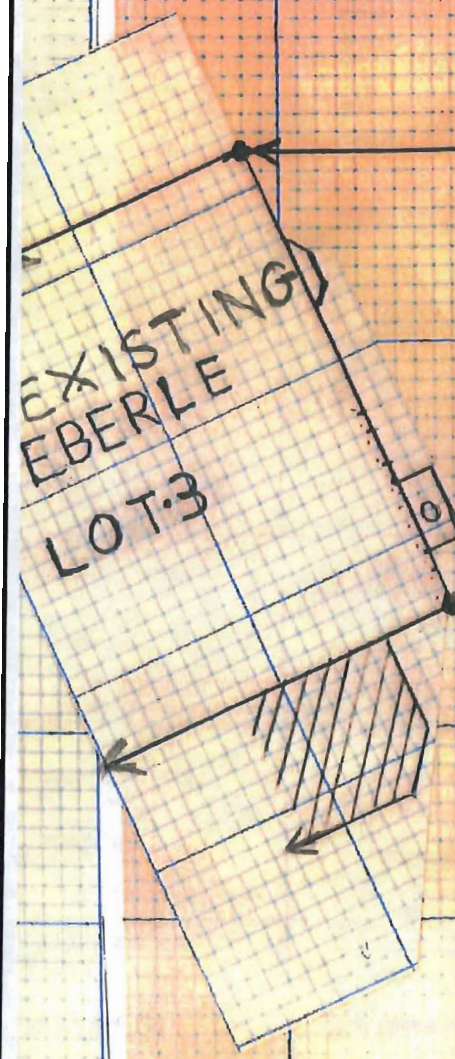
CONTRACTOR IS TO PROVIDE
POSITIVE DRAINAGE AWAY FROM
FOUNDATION AT ALL TIMES

LOT 3
FINAL SUBDIVISION PLAT
ALICE M. SMITH
(SOUTH PROPERTY)

50' SET BACK

PROPERTY LINE

50' SET BACK



62'

52'

51'

62'

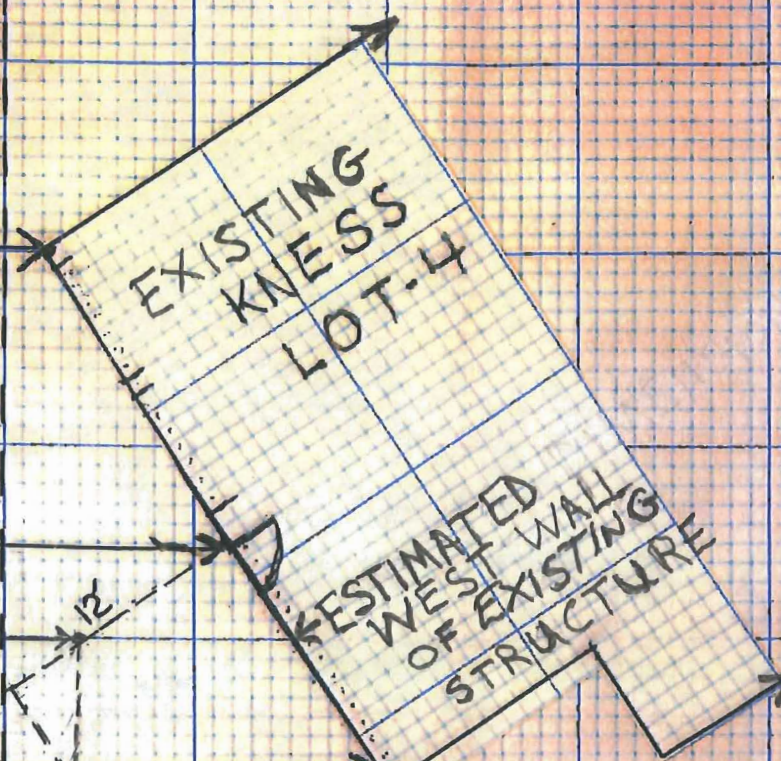
71'±

* OPTION:
ANGLE TO
ALLOW FOR
PROPOSED
DECK

12'

18'-20"

* 240 SF



PROPOSED BUILDING VARIANCE
PROPOSED DECK VARIANCE

K. EBERLE 3-22-09

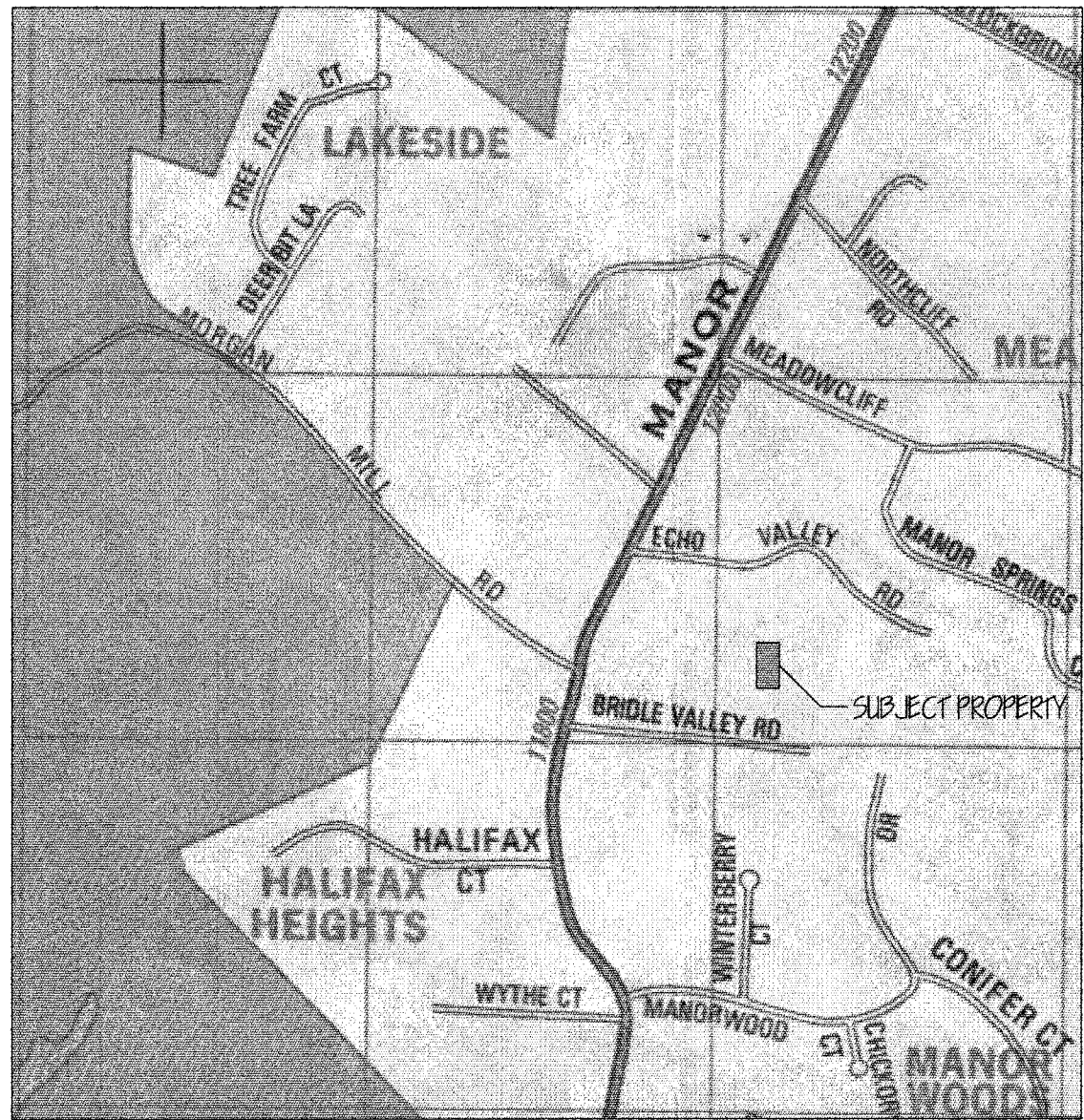
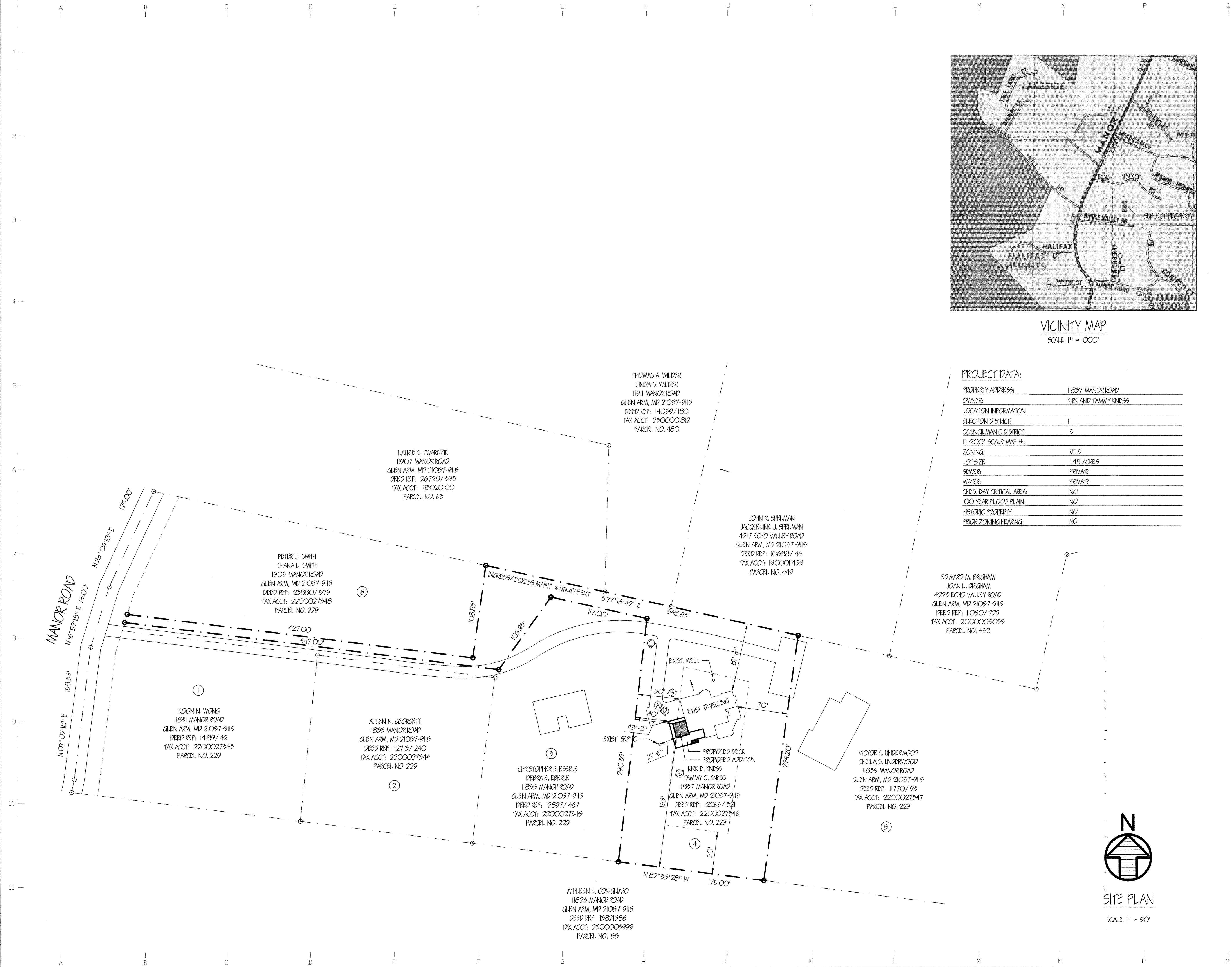
©



D-1



D-2



VICINITY MAP
SCALE: 1" = 1000'

PROJECT DATA:	
PROPERTY ADDRESS:	11837 MANOR ROAD
OWNER:	KIRK AND TAMMY KNESS
LOCATION INFORMATION:	
ELECTION DISTRICT:	11
COUNCILMANIC DISTRICT:	5
1"=200' SCALE MAP #:	
ZONING:	RC.S
LOT SIZE:	1.48 ACRES
SEWER:	PRIVATE
WATER:	PRIVATE
CHES. BAY CRITICAL AREA:	NO
100 YEAR FLOOD PLAIN:	NO
HISTORIC PROPERTY:	NO
PRIOR ZONING HEARING:	NO

PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

THE
KNESS
RESIDENCE

RENOVATIONS
&
ADDITIONS

11837 MANOR ROAD
GLEN ARM, MARYLAND 21057

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strictly prohibited.

No.	Date	Item
REVISIONS		

Drawn

Checked

Approved

austin b childs
architecture

chickenranch design studio

16260 falls road
monkton, maryland 21111
410.472.2488
achildsaia@msn.com

PETITIONER'S

EXHIBIT NO. 1

SITE PLAN

CONTRACT NO.

SCALE 1" = 50'

DATE March 23, 2009

SP.1

GENERAL NOTES:

1. THERE ARE NO EXISTING UNDERGROUND FUEL TANKS ON THIS SITE.
2. THERE ARE NO WELLS OR SEPTICS WITHIN 100' OF THIS SITE, EXCEPT AS SHOWN.
3. ALL LOTS SHOWN HEREON ARE FOR SINGLE FAMILY USE ONLY AND ARE FOR SALE.
4. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THIS SITE.
5. INDIVIDUAL LOT GRADING WILL BE ACCOMPLISHED BY THE INDIVIDUAL HOME BUILDING CONTRACTOR(S).
6. EXISTING TREES AND VEGETATION SHALL BE PRESERVED WHERE POSSIBLE OUTSIDE OF ROAD, PAULHOLE, BUILDING AND UTILITY CONSTRUCTION.
7. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTO. CO. PHOTOGRAMMETRIC MAPS.
8. SOILS SHOWN HEREON ARE TAKEN FROM BALTO. CO. SOIL SURVEY MAP 112.
9. LOTS SHOWN HEREON SHALL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS.
10. AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN WILL BE REQUIRED IF A PROPOSED DWELLING IS TO BE ORIENTED CONTRARY TO THE DIRECTIONAL ARROWS SHOWN HEREON.
11. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF HIGHWAYS, EGRESS, REGRESS OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE.
12. ACCESSORY STRUCTURES NOTES:
 - A. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDING ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTION 400 AND 301 OF THE BALTO. CO. ZONING REGULATIONS. (SUBJECT TO CONSULTANTS AND APPLICABLE BUILDING PERMITS).
 - B. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRAIC SOILS.
13. DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT

THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF PDM BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARTS OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
14. A. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTO. CO. DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- B. ANY FOREST BUFFER AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE CONVEYANCES WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
15. CERTIFICATION AS TO DELINQUENT ACCOUNTS: I, GEOFFREY C. SMITH, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS OF ANY OTHER DEVELOPMENTS WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.
16. TOTAL AVERAGE DAILY TRIPS: 4 LOTS X 12.4 = 74.4 AOTS
17. MITIGATION MEASURES FOR SOILS WITH LIMITATIONS DUE TO STEEP SLOPES:
 - A. WHERE POSSIBLE, GRADING OR DISTURBANCE OF STEEP SLOPES SHALL BE AVOIDED.
 - B. ALL LOTS AND ROADS SHALL BE GRADED SO AS TO DIRECT AND CONCENTRATE STORM WATER RUNOFF TOWARD AWAY FROM AREAS OF STEEP SLOPES.
 - C. IF DISTURBED, ALL AREAS OF STEEP SLOPES SHALL BE PROPERLY VEGETATED TO ASSURE STABILITY AND PREVENT EROSION.
18. THE AREAS BETWEEN THE RIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
19. A STORM WATER MANAGEMENT VARIANCE HAS BEEN APPROVED (4-2-96).
20. LOTS 1 & 2 ARE TO BE ACCESSED OFF THE PROPOSED PAULHOLE DRIVEWAY AND NOT MANOR ROAD.
21. PRIOR TO RECORD PLAT, THE NEW WELL ON LOT 6 SHALL BE CONNECTED TO THE EXISTING WATERLINE WHICH CONNECTS TO THE WELL OWNED BY THE ADJACENT OWNER. THE CONNECTION FROM THE EX. WELL TO THE EX. ON-SITE DWELLING SHALL BE PERMANENTLY SERVED.

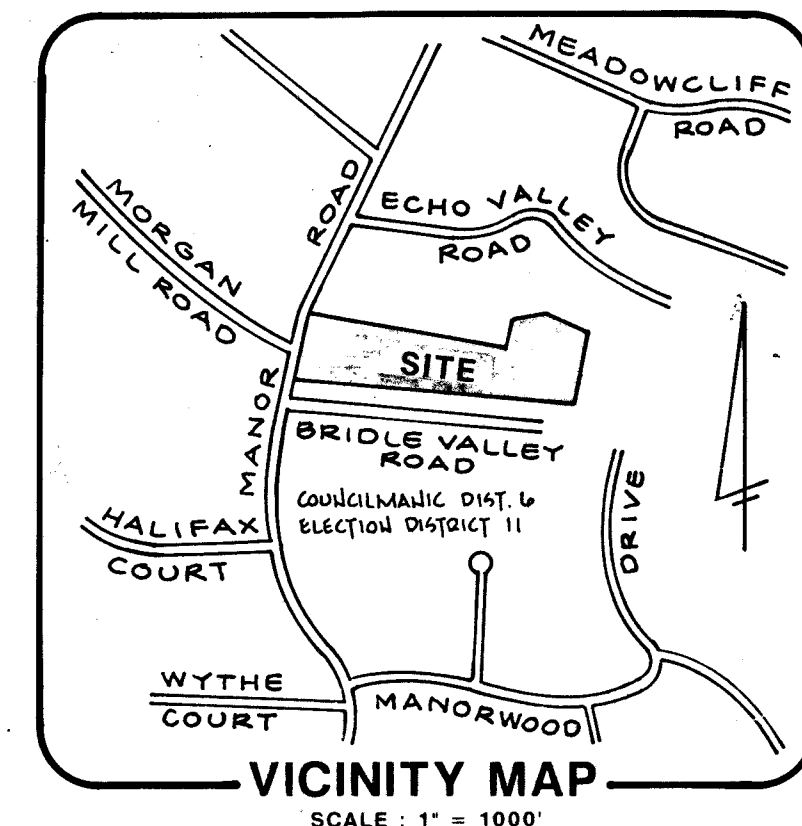
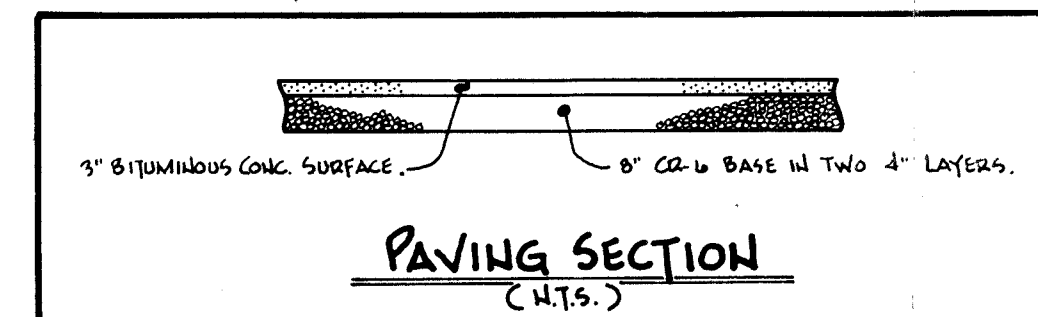
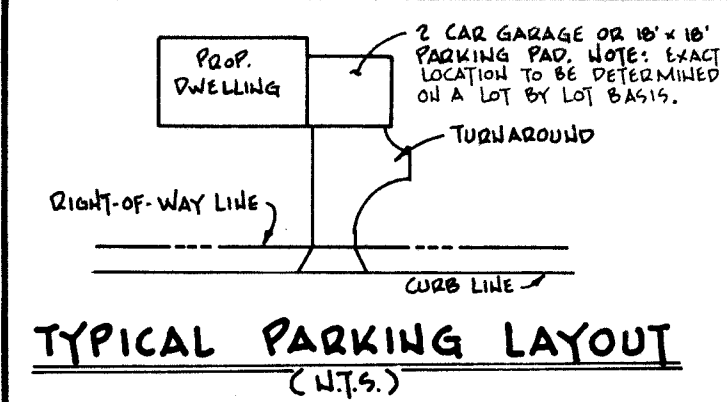
FOREST DATA.

INFORMATION FOR CALCULATIONS:

A.	NET TRACT AREA.	11.671 AC.
B.	FOREST CONSERVATION THRESHOLD (25% X A).	3.0 AC.
C.	AFFORESTATION THRESHOLD (20% X A).	2.4 AC.
D.	EXIST. FOREST ON NET TRACT AREA.	5.6 AC.
E.	EXIST. FOREST ABOVE FOREST CONSERVATION THRESHOLD.	2.6 AC.
F.	BREAK-EVEN POINT (THE AMOUNT OF FOREST TO BE RETAINED FOR NO MITIGATION). [(C X 0.2) + E].	3.5 AC.
G.	FOREST TO BE CLEARED.	1.0 AC.
H.	FOREST TO BE RETAINED.	4.6 AC.

SITE DATA:

1. ELECTION DISTRICT: 11
2. COUNCILMAN DISTRICT: G
3. CENSUS TRACT: 4112.02
4. WATERSHED: 4
5. SUBSEWERED: 81
6. REGIONAL DRAINAGE DISTRICT: 310
7. GROSS AREA: 11.964 AC.±
8. EXISTING ZONING: R.C.5
9. NUMBER OF LOTS ALLOWED: 11.964 X .667 = 7.98 USE 7
10. NUMBER OF LOTS PROPOSED: 6 LOTS
11. PAULHOLE DIVIDED: 6 LOTS X 2 = 12 SPACES
12. PARKING PROPOSED: 12 SPACES
13. SCHOOL DISTRICT: 181 - PINE GROVE



LEGEND

- EXISTING CONTOUR
- EXISTING STREAM
- EXISTING WOODS LINE
- SLOPES > 25 %
- SOIL TYPES
- WELL AREA
- PERC TEST
- PROP. SEPTIC AREA
- PROPOSED DWELLING

OFFICE OF PLANNING AND ZONING	
APPROVED BY:	
DIRECTOR OF PLANNING	DATE
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT	DATE

APPLICANT / DEVELOPER
MILLSCAR L.L.C.

C/O ROBERT CARNEY
4111 E. JOPPA ROAD
BALTIMORE, MD. 21236

PETITIONER'S

EXHIBIT NO. **2**

OWNER

ALICE M. SMITH
#11905 MANOR ROAD
GLEN ARM, MD. 21057

DESD REFERENCE: 1213/219

TAX ACCOUNT NUMBER: 11-19-051100

FINAL DEVELOPMENT PLAN

ALICE M. SMITH PROPERTY
(FORMERLY SMITH PROPERTY)
11905 MANOR ROAD

PDM FILE # XI-749

11 TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REV. 7 / 18 / 96

MICROFILMED

SCALE: 1" = 100'

HEARING OFFICERS ORDER CASE NO. XI-749

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of April, 1996 that the development plan submitted in the within case, as Developer's Exhibit No. 1, be and is hereby approved in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

SOILS LIMITATION CHART

Map Symbol	Soil Series	Homesites Limitations	Septic Systems Limitations	Hydric "K" Value	Capability Unit	
GcB2	Glenelg	Slight	Slight	No	0.32	Ile-4
MbC3	Manor	Moderate	Moderate	No	0.37	Ive-25
Mcc2	Manor	Moderate: slope	Moderate: slope	No	0.37	Ile-25
Mcc3	Manor	Moderate: slope	Moderate: slope	No	0.37	Ive-25
Mcd3	Manor	Severe: slope	Severe: slope	No	0.37	Vis-3
Mhd	Manor	Severe: slope	Severe: slope	No	0.32	Vis-3

McKee & Associates, Inc.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(410) 527-1555

Computed by: N/A

Drawn by: W.D.G. / JMB

Checked by: G.C.S.

Job Number: 95-58

James W. McKee Date
(Maryland Registered No. 9012)

