

IN RE: PETITION FOR ADMIN. VARIANCE *

N/Side of Avenue B, 660' W of

McComas Road *

(9008 Avenue B) *

15th Election District *

7th Council District *

William R. Johns Sr., et ux *

Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2009-0229-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 owners of the subject property, William R. Johns, Sr., and his wife, Joan K. Johns. The Petitioners request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage and hobby workshop) with a height of 35 feet in lieu of the permitted 15 foot height, and to amend the previously approved site plan in Case No. 08-415-A. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

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 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.

In the instant case, the property was duly posted and within the requisite time period,

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Date 4-28-09
By [Signature]

adjoining property owners, Thomas P. Melvin and his wife, Denise L. Melvin, filed a request for public hearing. The matter was therefore scheduled for a hearing, which was held on April 24, 2009.

Appearing at the hearing in support of the request was William and Joan Johns, property owners. Appearing as a Protestant/interested parties were Thomas and Denise Melvin.

By way of background, the property known as 9008 Avenue B is a rectangular shaped waterfront parcel located with frontage on North Point Creek and the north side of Avenue B between Ross Avenue and McComas Road in Edgemere. The property is shown as Lot 15 on the residential subdivision plat known as Lillian Brown and contains a gross area of 12,450 square feet or 0.286 acres, more or less, zoned D.R.5.5. The property is improved with a one-story single-family dwelling built in 1968, a pier and two (2) sheds. The Petitioners have owned the property since 1991 and intend to renovate the existing home. In this regard, the garage area shown on the site plan as 28' wide x 32' deep is the subject of the instant request. Previously, the garage that existed in this area was razed following Case No. 08-415-A. In that case, the same Petitioners were granted variance relief from B.C.Z.R. Section 1B02.3.C.1 by Deputy Zoning Commissioner Thomas H. Bostwick to allow a front yard setback (east side) of 14 feet and a rear yard setback (west side) of 8 feet for a proposed addition in lieu of the required 15 feet and 30 feet, respectively.¹ Subsequently, the Petitioners changed their mind and instead of replacing the garage with an addition to the south end of their home, decided to construct an accessory building. The lower level would be utilized as a two-car garage and storage area, an upper level as a workshop/hobby area for woodworking and a loft area for the storage of materials for the woodshop. The Petitioners now come before me seeking relief as set forth above to allow the construction of the structure with a height of 35 feet, although the posting and advertising of the

¹ The relief granted was not appealed and therefore became final on June 9, 2008. The facts as presented led the Zoning Review Office, Petitioners and the Deputy Zoning Commissioner to believe that the west side of the dwelling facing Lot 16 was the front and the east side adjacent to Lot 14, the rear yard. The Zoning Commissioner's Policy Manual (ZCPM) at Sections 400.1.a and 400.2.a provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, as I believe to be the situation here, waterfront lots refer to the front of the structure facing the water.

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Date 4-28-09
BY [signature]

property inadvertently indicated 33 feet. Mr. Johns presented elevation drawings and testified as to the practical difficulty and unreasonable hardship he would endure if the variance relief were not granted.

As noted above, the adjoining neighbors appeared in opposition to the request. They testified that they found the garage with its excessive height to be offensive and out of rhythm with other structures in the immediate area. They believe that the Petitioners should be required to lower the height of the garage with a roof pitch that matches their principal dwelling in accordance with the regulations. They submitted a collection of photographs to show existing conditions and the pattern of development in the immediate area. In short, they are opposed to the garage's overpowering size that, if allowed, would not be in keeping with the character of the community and would dominate the Petitioners lot with its one-story home. After ongoing discussions, Mr. and Mrs. Johns agreed to lower the structure's height to 26 feet, withdraw their height request under B.C.Z.R. Section 400.3 and amended their site plan to illustrate a connection between the accessory structure and dwelling and, therefore no longer being subject to the height restrictions as set forth in Section 400.3 of the B.C.Z.R.

By attaching the garage and workshop structure to the house with a 10'-6" x 7'-6" wide covered walkway (breezeway), the garage becomes part of the house for purposes of B.C.Z.R. Section 400.1. That section provides, in pertinent part, that the accessory building height limitations contemplated by B.C.Z.R Section 400.3 do not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Rather, such structure shall be considered part of the principal building. The Johns' revised plan (Petitioners' Exhibit 2) and revised building elevation drawings (Petitioners' Exhibit 3) are within the spirit and intent of B.C.Z.R. Section 400.1 and the variance relief previously granted in Case No. 08-415-A. As it is clear that Mr. and Mrs. Johns can

CASE FILED FOR FILING
Date 4-28-09
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construct a 26-foot high attached accessory building on their property without the need of a variance, as evidenced by the revised proposal, they are not entitled to a variance in this case. For this reason, in addition to those cited above, their request shall be dismissed as moot.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 28th day of April, 2009 that the petition filed for a proposed garage and workshop with a height of 26 feet attached to the house with a 10-foot breezeway, in accordance with the amended site plan (Petitioners' Exhibit 2), and building elevations (Petitioners' Exhibit 3), be and is hereby APPROVED, subject to the following conditions:

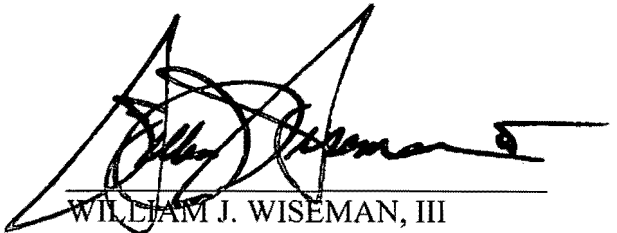
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated April 9, 2009, relative to development within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area Regulations (CBCA).
3. The architectural elevations of the proposed structure (Petitioners' Exhibit 3) have been reviewed by the Office of Planning and deemed to be acceptable in terms of massing, height and proportions. These elevation drawings shall be supplemented to included details describing building materials and colors for review and approval prior to application for a building permit. In this regard, all materials (e.g., siding, window treatments, and shingles, etc.) that are used on the accessory structure shall also be used on the house to match and ensure consistency from the neighbor's perspective.
4. The proposed garage and workshop/hobby shop for woodworking shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners, their heirs and assigns shall not allow or cause the structure to be converted to a

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BY [signature]

second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

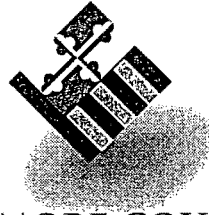
IT IS FURTHER ORDERED that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a detached accessory structure (garage and hobby woodworking shop) with a height of 35 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioners' amended Exhibit 1, be and is hereby Dismissed As Moot.

Any appeal of this decision shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

CHIEF RECEIVED FOR PLANNING
Date 4-28-09
BY 103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 28, 2009

William R. Johns, Sr.
Joan K. Johns
9008 Avenue B
Edgemere, Maryland 21219

RE: PETITION FOR ADMIN. VARIANCE
N/Side of Avenue B, 660' W of McComas Road
(9008 Avenue B)
15th Election District - 7th Council District
William R. Johns Sr., et ux – *Petitioners*
Case No. 2009-0229-A

Dear Mr. and Mrs. Johns:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with conditions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

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: Thomas P. and Denise L. Melvin, 9010 Avenue B, Baltimore, MD 21219
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; Office of Planning; File

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 9008 Avenue B, Edgemere, MD 21219
which is presently zoned DR-5.5

Deed Reference: 8986 / 675 Tax Account # 1502654700

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)

SECTION 400.3 (BCZR) TO PERMIT AN ACCESSORY
BUILDING (GARAGE AND ^{Hobby} WORKSHOP) WITH A HEIGHT OF
35 FEET IN LIEU OF THE PERMITTED 15 FEET WPS
AND TO AMEND THE PREVIOUS SITE PLAN FROM CASE # 2008-0415-A

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County:

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

William R. Johns, Sr.

Name - Type or Print

Signature

Joan K. Johns

Name - Type or Print

Signature

9008 Avenue B

410-477-1008

Address

Telephone No.

Edgemere

MD

21219

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No.

2009 0229 A

Reviewed By

JL

Date

3/03/09

REV 7/20/07

Estimated Posting Date

~~3/13/09~~ ~~4/22/09~~ 3/13/09

OFFICE RECEIVED FOR FILING

Date

4-28-09

By

LDW

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

9008 Avenue B

Address

Edgemere

City

MD

State

21219

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):

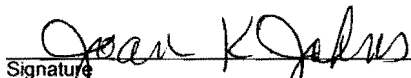
SEE ATTACHED

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

William R. Johns, Sr.

Name - Type or Print


Signature

Joan K. Johns

Name - Type or Print

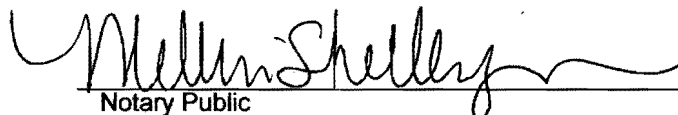
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of February 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William R Johns Sr & Joan K Johns

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

AS WITNESS my hand and Notarial Seal


Notary Public

Melissa Shellenberger

My Commission Expires

Notary Public State Of Maryland

Baltimore County

My Commission Expires 03/04/2012

REV 7/24/07

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Date 4-28-09

By DW

**ATTACHMENT TO REQUEST FOR
ADMINISTRATIVE VARIANCE
9008 AVENUE B**

0279

THE OWNERS WISH TO CONSTRUCT AN ACCESSORY BUILDING TO BE UTILIZED AS A LOWER LEVEL GARAGE AND STORAGE AREA, AN UPPER LEVEL WORKSHOP AND A LOFT AREA FOR STORAGE OF MATERIALS FOR THE WORKSHOP. * SEE .

THE BUILDING WILL NOT BE USED FOR COMMERCIAL PURPOSES AND WILL NOT CONTAIN ANY RESIDENTIAL LIVING SPACE.

THE OWNERS HAVE ATTEMPTED TO DESIGN THE STRUCTURE SO THAT IT IS COMPATABLE WITH THE RESIDENCES IN THE AREA.

IT SHOULD BE NOTED THAT THE PROPERTY ON THE SOUTH SIDE OF AVENUE B IS UNDEVELOPED, THEREFOR, THE STRUCTURE WILL NOT BLOCK WATER VIEWS FROM ANY EXISTING DWELLINGS.

WE HAVE ATTACHED BUILDING ELEVATIONS ALONG WITH LETTERS FROM THE NEAREST NEIGHBORS STATING NO OBJECTION TO OUR PROPOSAL

* This is a hobby shop for wood working for building De houses other wood projects. This is not a commercial or business use. I don't store or sell any product from this site.

WA
3/3/09

ZONING DESCRIPTION
9008 AVENUE B

0229

Beginning at a point on the north side of Avenue B (30 feet wide) distant 660 feet westerly from it's intersection with the center of McComas Road (40 feet wide), thence being all of Lot 15 as shown of the plat entitled Lillian Brown Plat, recorded among the Baltimore County plat records in Plat Book 7 Folio 147.

Containing 12,450 square feet or 0.286 acre of land, more or less.

Being known as 9008 Avenue B. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Maryland.

000000

Non

Date:

Rev	Sub	Source/	Rev/
-----	-----	---------	------

[illegible]

Total:

130:00

Rec
From

50

DISTRIBUTION:

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

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

No. **37859**

Date: **3/20/09**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	006	0000		650					50.00

Total: **50.00**

Rec From: **Thomas + Denise Melvin**

For: **Formal Demand**
9008 Ave B
2009-0229-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME
 3/23/2009 3/20/2009 14:54:56

NO. 037859 WALKIN RBOS LRB

RECEIPT # 390331 3/20/2009 OFLN

Dept 5 528 ZONING VERIFICATION

NO. 037859

Recpt Tot \$50.00

\$50.00 OK \$1.00 CA

Baltimore County, Maryland

**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: # 2009-0229-A
9008 Avenue B
N/side of Avenue B, 660
feet west of McComas
Road
15th Election District
7th Councilmanic District
Legal Owner(s): William &
Joan Johns, Sr.

Variance: to permit an accessory building (garage and hobby workshop) with a height of 33 feet in lieu of the permitted 15 feet and to amend the previous site plan from case no. 2008-0415-A.

Hearing: Friday, April 24,
2009 at 2:00 p.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.

4/224 April 9 198400

CERTIFICATE OF PUBLICATION

4/9/2009

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 4/9/2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2009-0229-A

Petitioner/Developer WILLIAM E
JOHN JOHNS

Date Of Hearing/Closing: 4/24/09

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 9008 AVENUE B

This sign(s) were posted on April 9 2009

Month, Day, Year

Sincerely,

Martin Ogle 4/9/09

Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



04/09/2009

Martin Ogle 4/9/2009

CERTIFICATE OF POSTING

RE: Case No 2009-0229-A

Petitioner/Developer WILLIAM
JOAN JOHNS

Date Of Hearing/Closing: 4/2/09

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at

9008 AVENUE B
EDGEMERE MD

This sign(s) were posted on March 13, 2009

Month, Day, Year

Sincerely,

Martin Ogle 3/13/09
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



03/13/2009



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2009 0229 A

Address: 9008 Avenue B

Petitioner(s): William K Johns, SR & Joan K. Johns

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

inve Thomas P. Melvin & Denise L. Melvin

Name - Type or Print

(☒) Legal Owner OR () Resident of

9010 Avenue B

Address

Baltimore

MD

21219

City

State

Zip Code

410-388-0016 or cell - 410-458-8112

Telephone Number

which is located approximately 10 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.

Denise L. Melvin

Signature

3/19/09

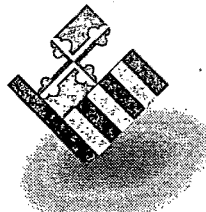
Date

Thomas P. Melvin

Signature

3/19/09

Date



BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

March 25, 2009
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: 2009-0229-A

9008 Avenue B

N/side of Avenue B, 660 feet west of McComas Road

15th Election District – 7th Councilmanic District

Legal Owners: William & Joan Johns, Sr.

Variance to permit an accessory building (garage and hobby workshop) with a height of 33 feet in lieu of the permitted 15 feet and to amend the previous site plan from case no. 2008-0415-A.

Hearing: Friday, April 24, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: William & Joan Johns, Sr., 9008 Avenue B, Edgemere 21219
Central Drafting, 601 Charwood Court, Edgewood 21040
Thomas & Denise Melvin, 9010 Avenue B, Edgemere 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 9, 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
Thursday, April 9, 2009 Issue - Jeffersonian

Please forward billing to:
William & Joan Johns, Sr.
9008 Avenue B
Edgemere, MD 21219

410-477-1008

CORRECTED NOTICE OF ZONING HEARING

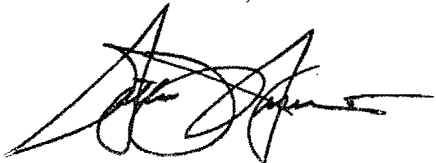
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Legal Owners: William & Joan Johns, Sr.

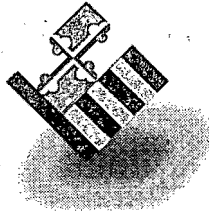
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105 West Chesapeake Avenue, Towson 21204



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

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 28, 2009

William Johns, Sr.
Joan Johns
9008 Avenue B
Edgemere, MD 21219

Dear Mr. & Mrs. Johns:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 2009-0229-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, 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 John Lewis at 410-887-3391.

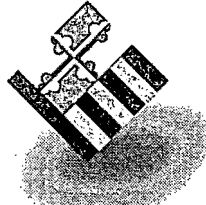
Very truly yours,

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

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm.

C: Central Drafting, 601 Charwood Ct., Edgewood 21040
Mr. & Mrs. Melvin, 9010 Avenue B, Edgemere 21219



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 20, 2009
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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9008 Avenue B

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Legal Owners: William & Joan Johns, Sr.

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Hearing: Friday, April 24, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: William & Joan Johns, Sr., 9008 Avenue B, Edgemere 21219
Central Drafting, 601 Charwood Court, Edgewood 21040
Thomas & Denise Melvin, 9010 Avenue B, Edgemere 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 9, 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
Thursday, April 9, 2009 Issue - Jeffersonian

Please forward billing to:

William & Joan Johns, Sr.
9008 Avenue B
Edgemere, MD 21219

410-477-1008

NOTICE OF ZONING HEARING

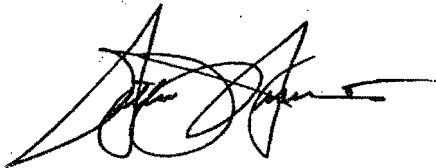
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0229-A

9008 Avenue B
N/side of Avenue B, 660 feet west of McComas Road
15th Election District – 7th Councilmanic District
Legal Owners: William & Joan Johns, Sr.

Variance to permit an accessory building (garage and hobby workshop) with a height of 33 feet in lieu of the permitted 15 feet and to amend the previous site plan from case no. 2008-0415-A.

Hearing: Friday, April 24, 2009 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.

FIVE COPY APP HAS POSTERS SHEET FOR FURN

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0229 -A

Address 9008 AVENUE B, EDGEMERE MD

Contact Person: J. LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3/03/09

Posting Date: 3/13/09

Closing Date: 4/02/09

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- 0229 -A Address 9008 AVENUE B, EDGEMERE MD

Petitioner's Name WILLIAM + JOAN JOHNS Telephone 410 477 1008

Posting Date: 3/13/09 Closing Date: 4/02/09

Wording for Sign: TO PERMIT AN ACCESSORY BUILDING (A DETACHED GARAGE WITH HOBBY WORKSHOP) WITH A HEIGHT OF 35 FT IN LIEU OF THE MAXIMUM PERMITTED 15 FT.

WCR - Revised 7/7/08

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

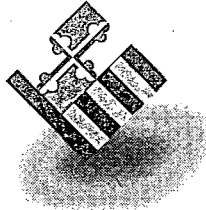
For Newspaper Advertising:

Item Number or Case Number: 2009 0229 A
Petitioner: JOHNS
Address or Location: 9008 AVENUE "B"

PLEASE FORWARD ADVERTISING BILL TO:

Name: William R. JOHNS SR.
Address: 9008 AVENUE "B"
EDGEMERE, MD 21219

Telephone Number: 410 477 1008



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 17, 2009

William & Joan Johns
9008 Avenue B
Edgemere, MD 21219

Dear: William & Joan Johns

RE: Case Number 2009-0229-A, 9008 Avenue B

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 03, 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 10, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For March 16, 2009
Item No. 2009-0229-A

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 2009-0229A-03162009

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 31, 2009

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

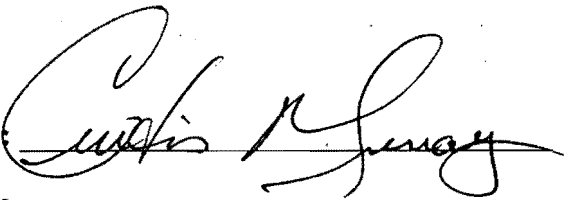
SUBJECT: 9-229 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 35 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

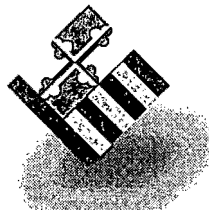
1. Submit architectural elevations of the proposed garage that is complimentary to that of existing homes and accessory structures in the immediate vicinity.
2. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact John Alexander at 410-887-3480.

Prepared by:



AFK/LL: CM



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

March 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 9, 2009

Item Numbers 0225, 0226, 0227, 0228 and 0229

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



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: MARCH 12, 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 2009-0229-A
9008 AVENUE B
JOHNS 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. 2009-0229-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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BW
4-24-09
2pm

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 9, 2009
SUBJECT: Zoning Item # 09-229-A (AV)
Address 9008 Avenue B
(Johns Property)

Zoning Advisory Committee Meeting of March 9, 2009

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

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

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).

- X 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:

This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% without mitigation; lot coverage may go up to 31.25% with mitigation necessary for any lot coverage above 25%. The 15% afforestation requirement will also apply.

BW
4-24-09
2 PM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 13 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 9, 2009
SUBJECT: Zoning Item # 09-229-A
Address 9008 Avenue B
(Johns Property)

Zoning Advisory Committee Meeting of March 9, 2009

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

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Additional Comments:

This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% without mitigation; lot coverage may go up to 31.25% with mitigation necessary for any lot coverage above 25%. The 15% afforestation requirement will also apply.

Reviewer: Regina Esslinger

Date: April 9, 2009

April 16, 2009

To: JCM
S+I 4/17/09
OK permit
See Mr. Carl

2009-0229-A

Timothy Kotroco
Permits & Development Management
Baltimore County Government
Towson, Maryland 21204

Subject: *Spirit of Intent Approval Request*

Dear Mr. Kotroco,

I am the owner/occupant of 9009 Avenue B that was the subject of the approved zoning hearing case #8-0415A. Enclosed is a copy of the approval.

I have been trying to get a building permit since January, 2009. Due to errors in my planning, I hit numerous snags. I want to replace a three-car garage and workshop that was in poor condition. The original structure has been demolished. After speaking with several zoning and plans review personnel, I wish to make some changes that will hopefully help my permit request.

My plan has changed and now has the garage attached to the house with a breezeway. There will be two required entry doors at each end; one into the garage from the breezeway and one into the existing house from the breezeway. Adding a door into the house (which is the existing structure) is the only change to the house. The new garage/addition will be inside the area agreed to in the variance #08-415A.

The breezeway will be 10 feet long, from the house to the new 28 foot wide garage, which is the same width as the house. The breezeway, will be attached to both the existing house and new garage, will be covered by both overhanging roofs. There will be two standard garage doors on the street side of the garage.

Enclosed are my proposed computer plans. I have reduced the height of the garage, considerably from 3 stories to 2 stories. Both the garage and breezeway will be truss constructed. All new construction is outlined in red. The new structure (garage) will be built to flood protection elevation according to all codes for flood plan A.

Please let me know if this red line plan is within the spirit and intent of the plan and order as approved in the previously approved zoning hearing and that another hearing will not be required to approve these changes.

A check for \$10.00 is enclosed payable to Baltimore County.

Sincerely,



William R. Johns, Sr.
9008 Avenue B
Edgemere, MD 21219
Home phone- 410-477-1008
Cell phone- 443-838-2651

09-95

3-19-07

Even though we signed an agreement stating we had no objections to the proposed garage, after reading the variance sign stating the height of 35' & subsequent plans with no explicit dimensions of the building size (^{length}widths).

The posted variance sign has been blocked by his suburban SUV.

Denise L Melvin

Tom Melvin

I, John~~s~~ Nichols, who owns and resides at 8920 Avenue B, Edgemere, MD,
21219, have no objection to the height of the garage being built at
9008 Avenue B, Edgemere, MD 21219 (owned by William R. Johns, Sr.).



John Nichols

2-16-09

Date

0229

I, Thomas Melvin, who owns and resides at 9010 Avenue B, Edgemere, MD,
21219, have no objection to the height of the garage being built at
9008 Avenue B, Edgemere, MD 21219 (owned by William R. Johns, Sr.).

Thomas P. Melvin

Thomas Melvin

2-16-09

Date

0229

CASE NAME 2009-0229-A
CASE NUMBER Johns, et al
DATE 4/24/09

CASE NUMBER Johns, et al
DATE 4/24/09

[illegible]

CASE NAME 2009-0229-A
CASE NUMBER 03-048A
DATE 4-24-09 Johns et up

[illegible]

Case No.: 9008 AVENUE B

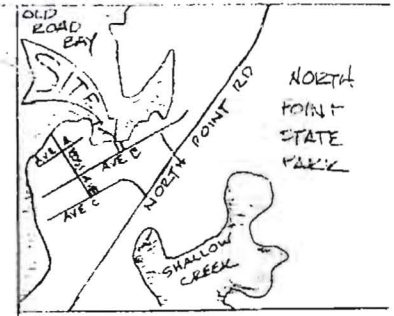
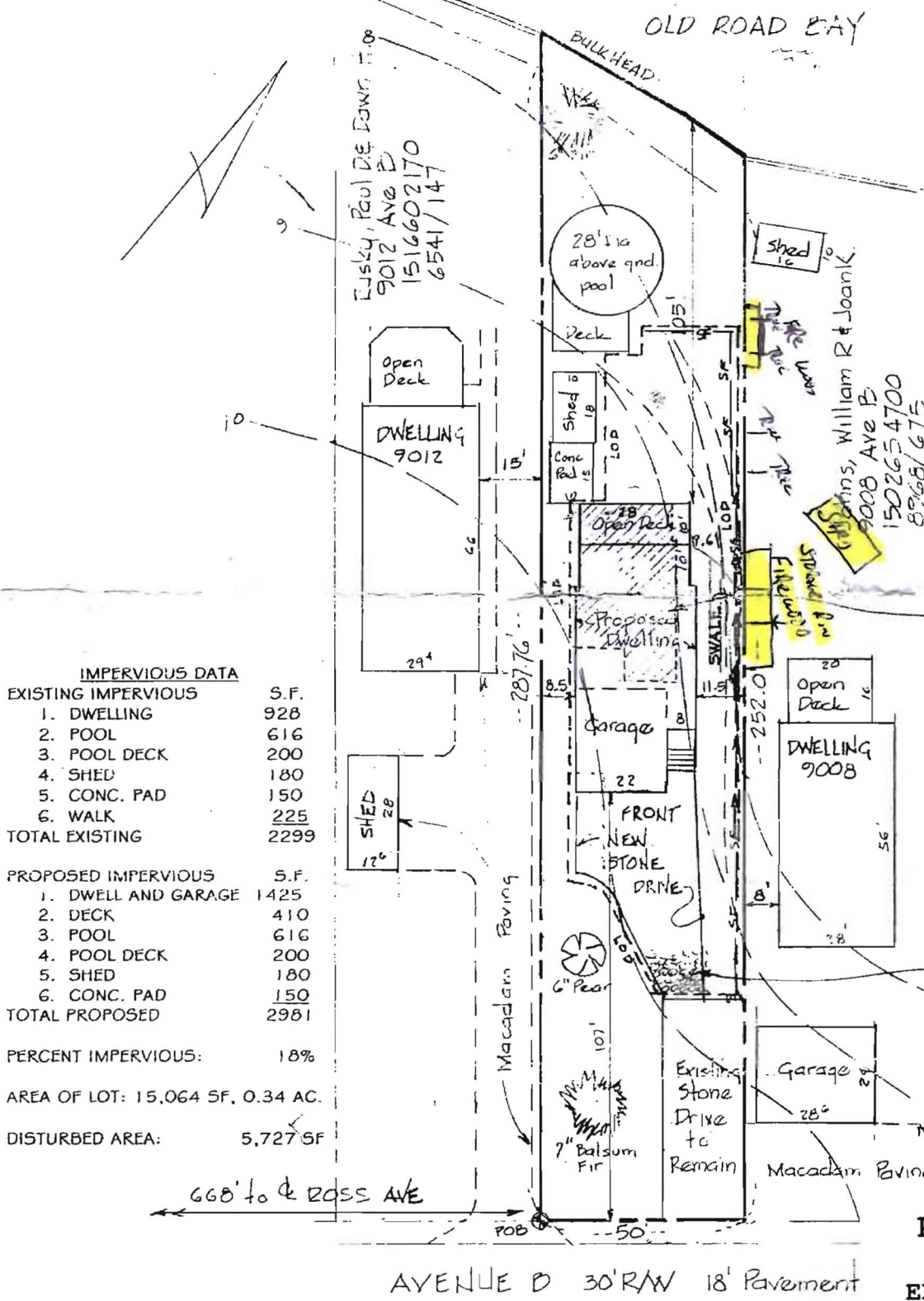
2009-0229-A

Exhibit Sheet

Petitioner/Developer
- NO. 1 - SITE PLAN TO ACCOMPANY Petition

Protestant

No. 2	AMENDED RED LINE SITE PLAN	
No. 3	ELEVATION DRAWINGS FOR GARAGE AND 2ND FLOOR WORKSHOP	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



LOCATION MAP
ADC 45, H-13

IMPERVIOUS DATA

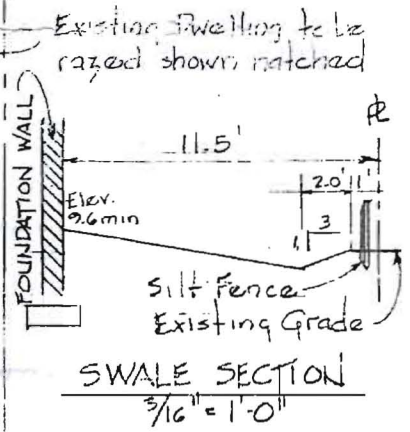
EXISTING IMPERVIOUS	S.F.
1. DWELLING	928
2. POOL	616
3. POOL DECK	200
4. SHED	180
5. CONC. PAD	150
6. WALK	225
TOTAL EXISTING	2299

PROPOSED IMPERVIOUS	S.F.
1. DWELL AND GARAGE	1425
2. DECK	410
3. POOL	616
4. POOL DECK	200
5. SHED	180
6. CONC. PAD	150
TOTAL PROPOSED	2981

PERCENT IMPERVIOUS: 18%

AREA OF LOT: 15,064 SF, 0.34 AC.

DISTURBED AREA: 5,727 SF



TEMPORARY CONST. ENTR.

8 CONTOURS

--- Existing

--- Proposed

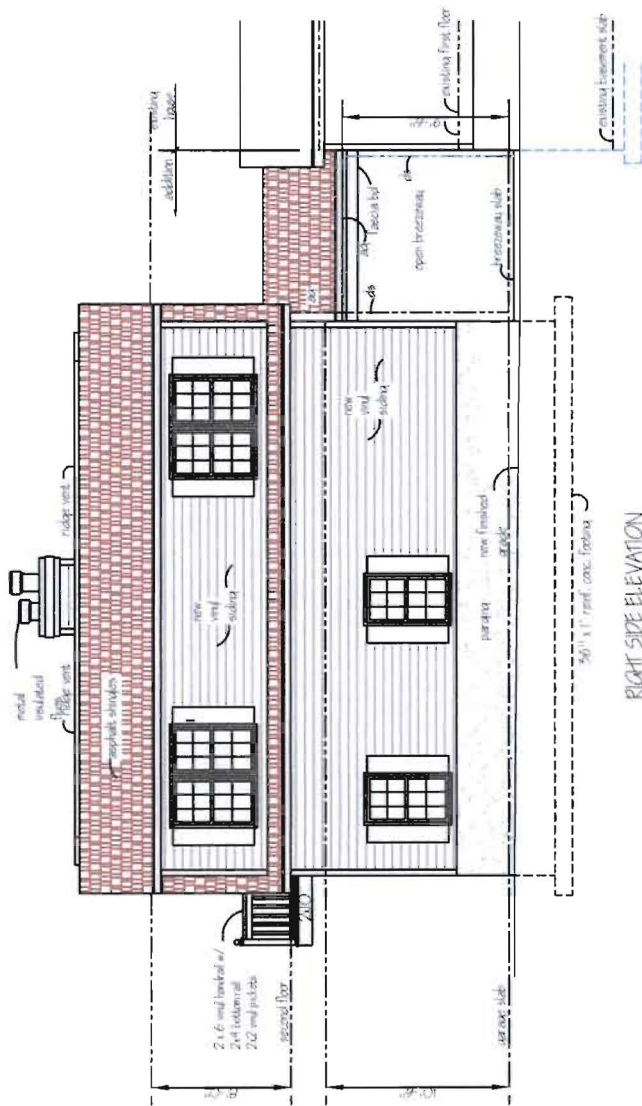
PROTESTANT'S

EXHIBIT NO. 2

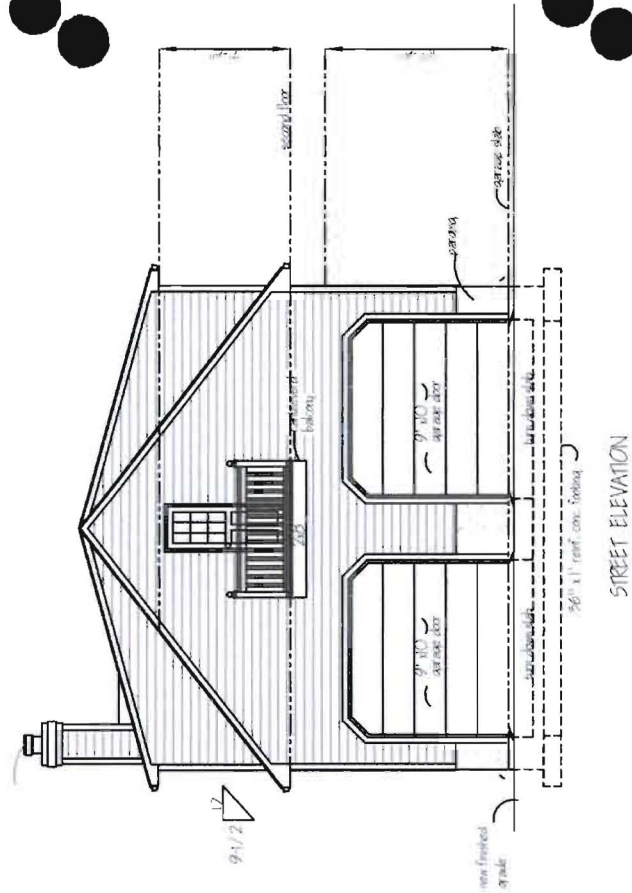
SITE PLAN

1" = 40'

PLAT TO ACCOMPANY
UNDERSIZE LOT, ADMINISTRATIVE VARIANCE,
AND BUILDING PERMIT
2010 AVENUE 18'



RIGHT SIDE ELEVATION

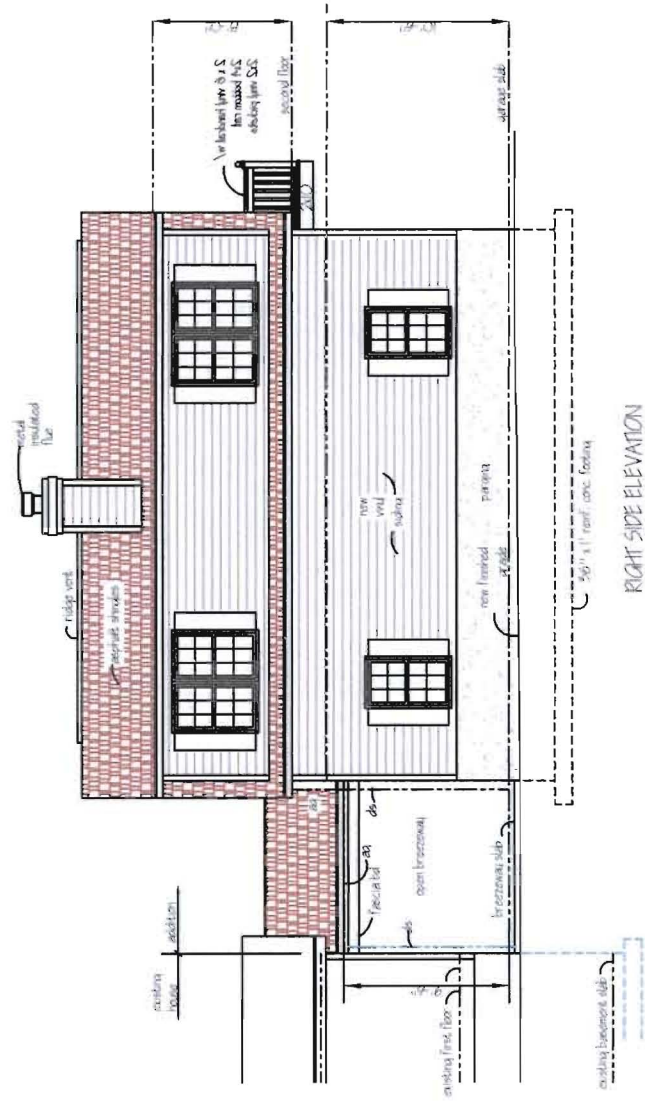
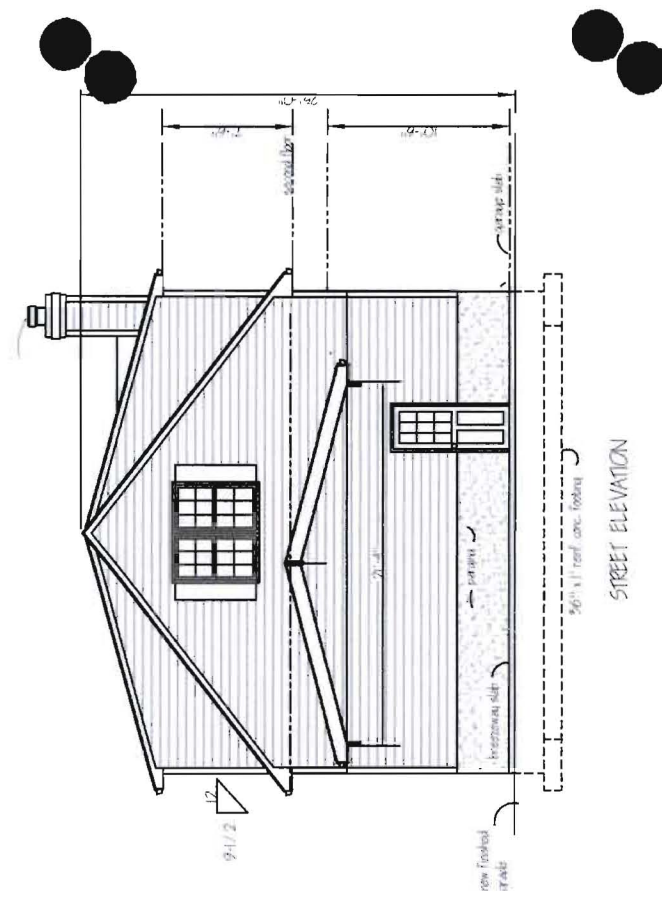


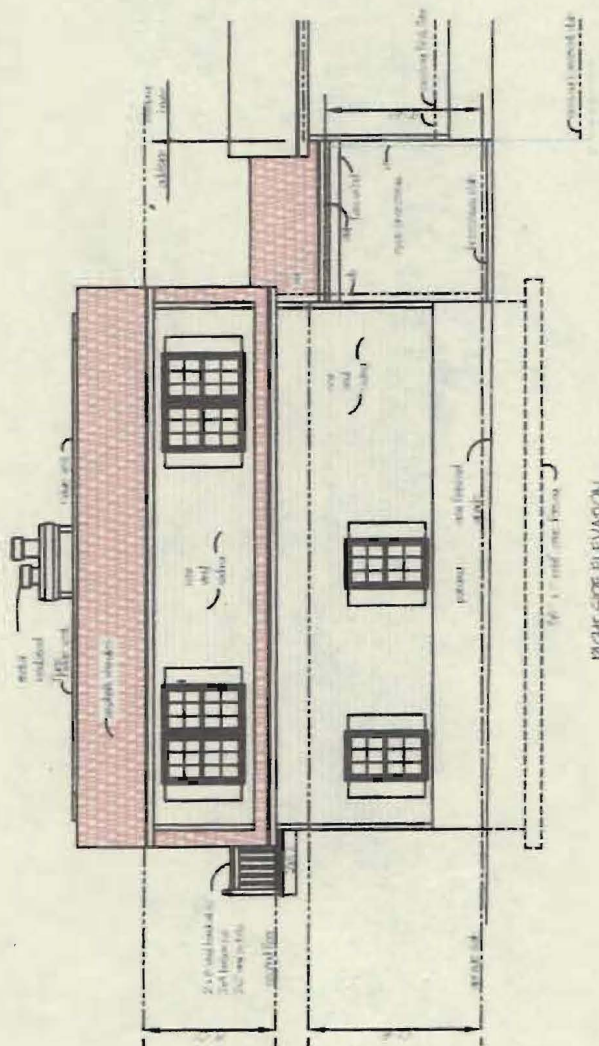
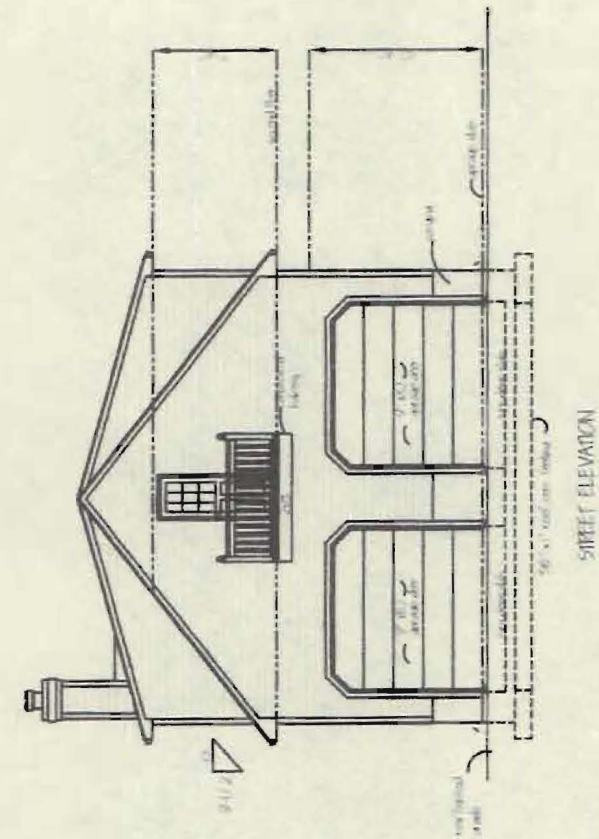
STREET ELEVATION

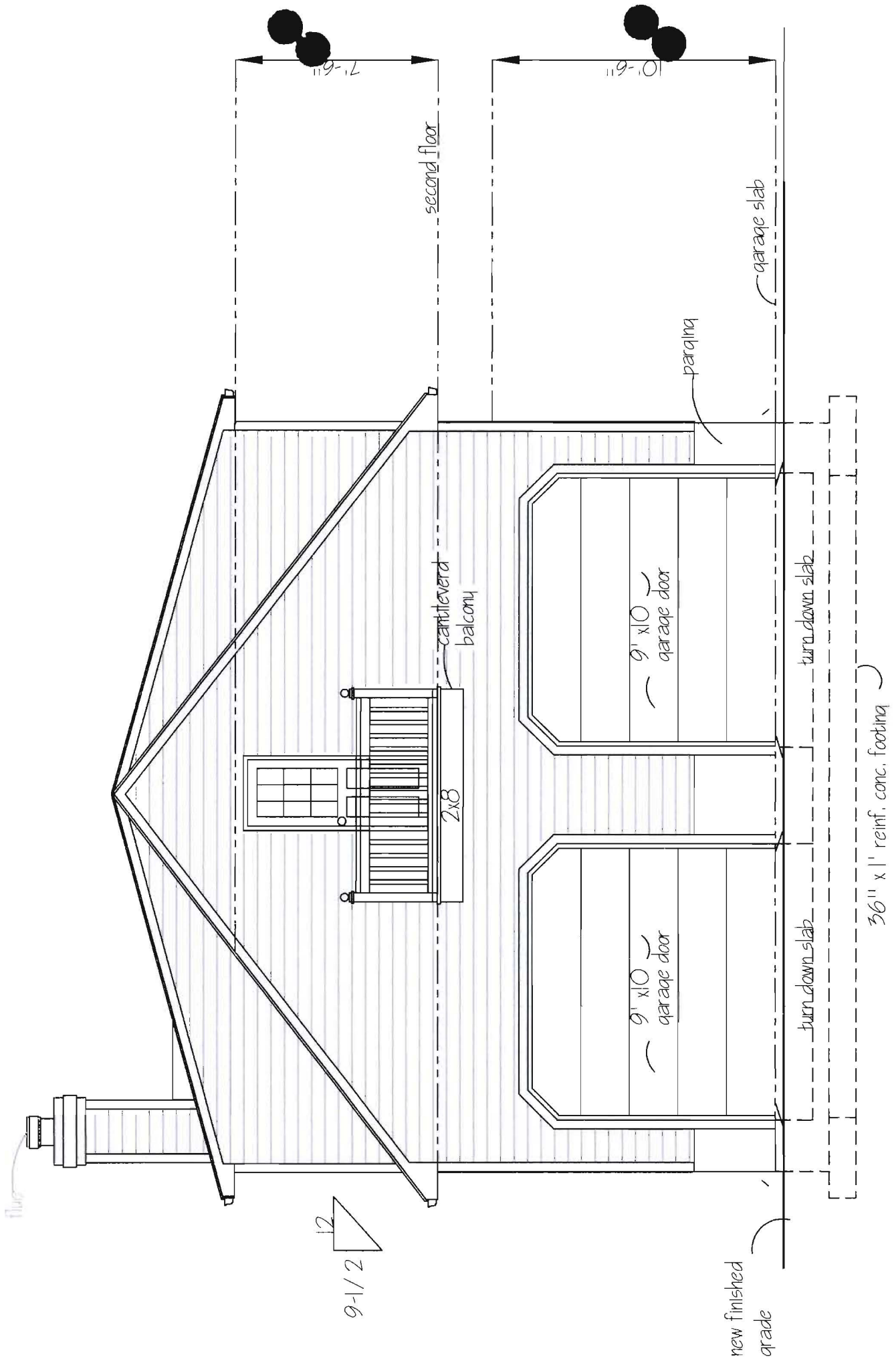
PETITIONER'S

EXHIBIT NO.

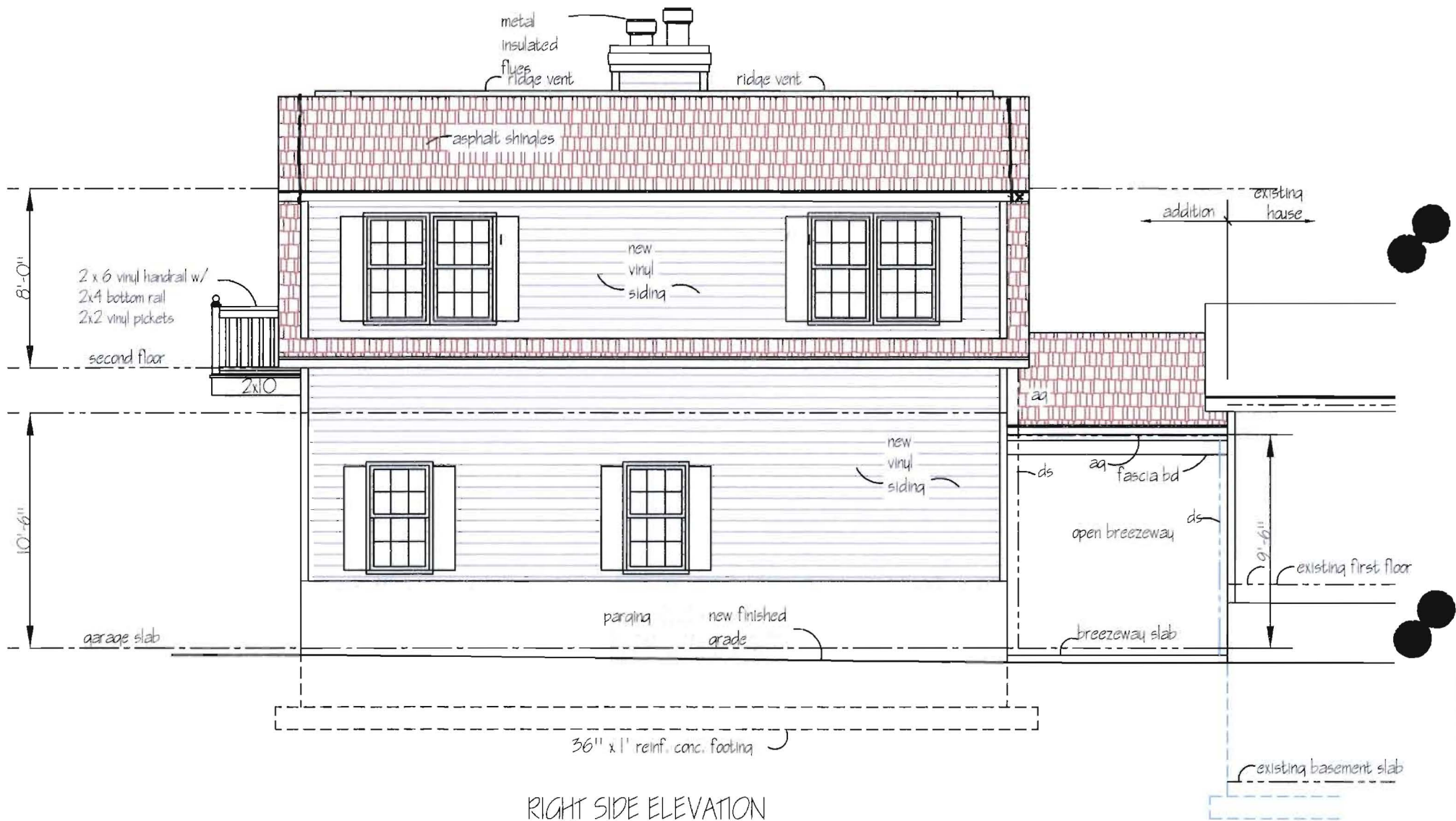
3



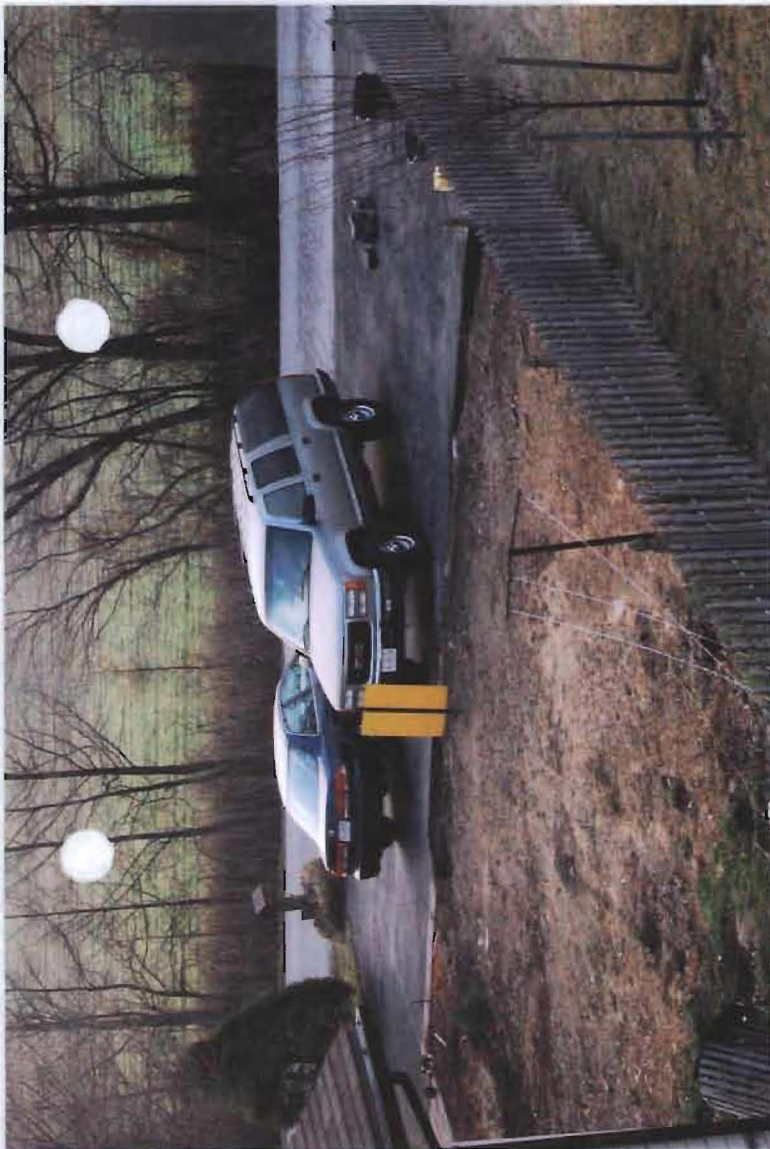




STREET ELEVATION



RIGHT SIDE ELEVATION







2020

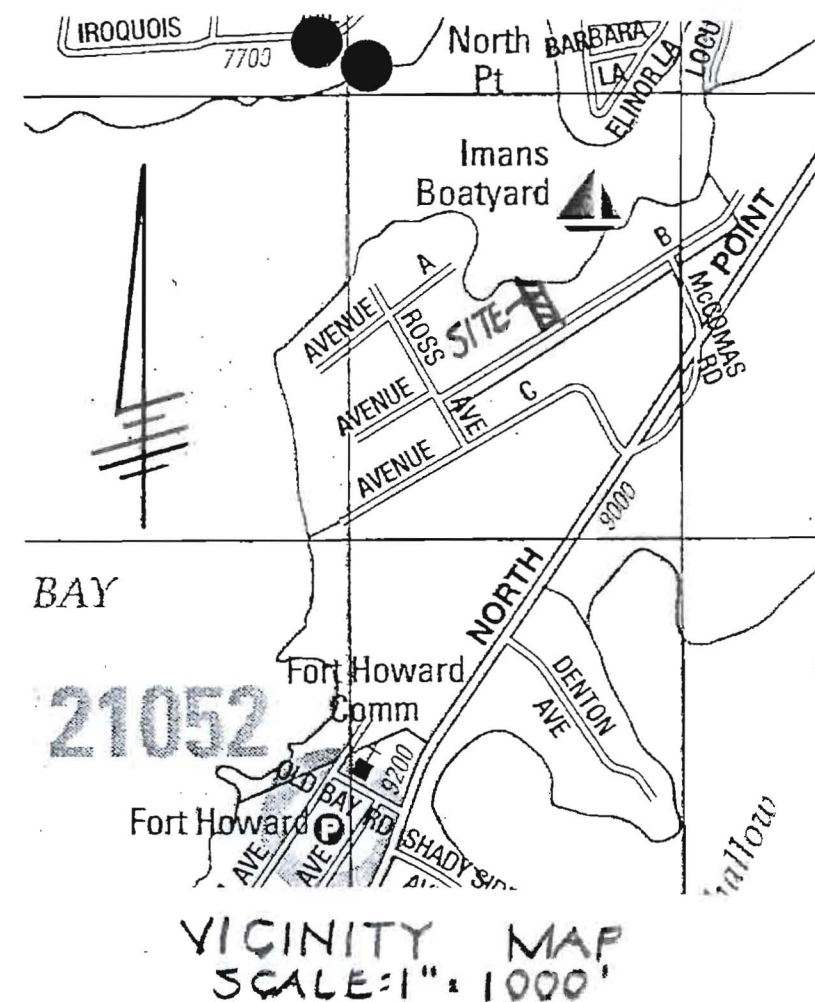
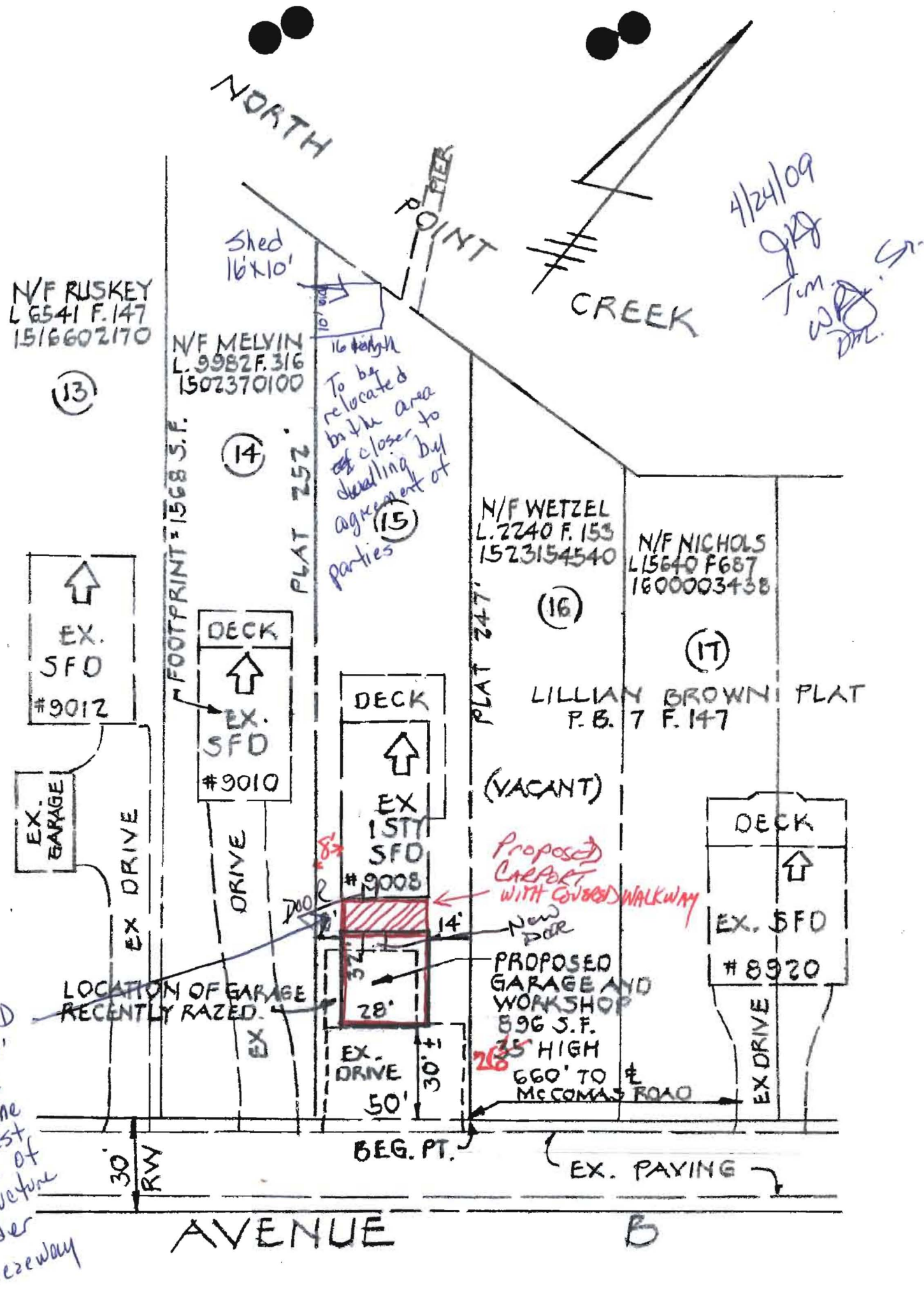


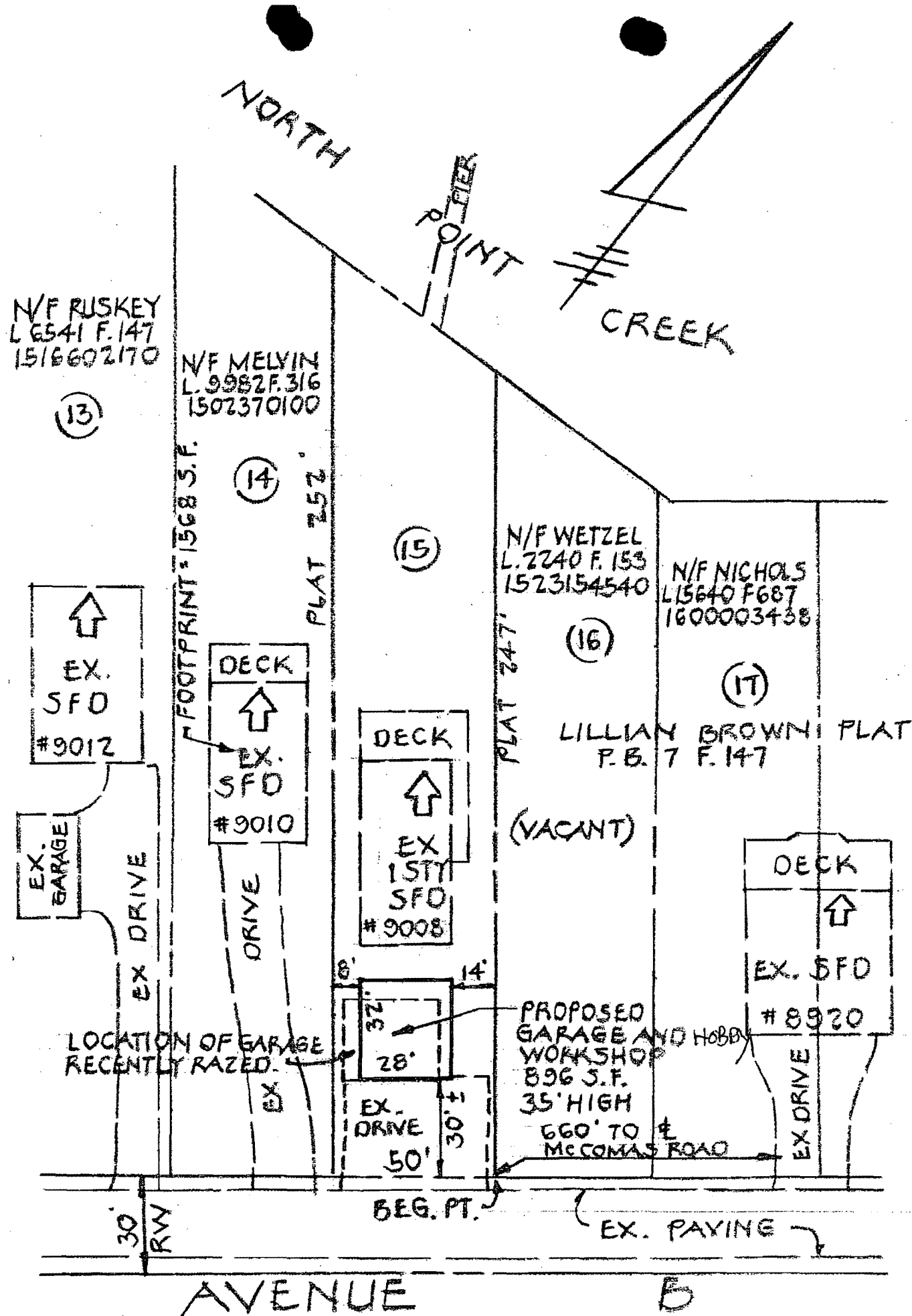
2010



02.28.2009 10:16

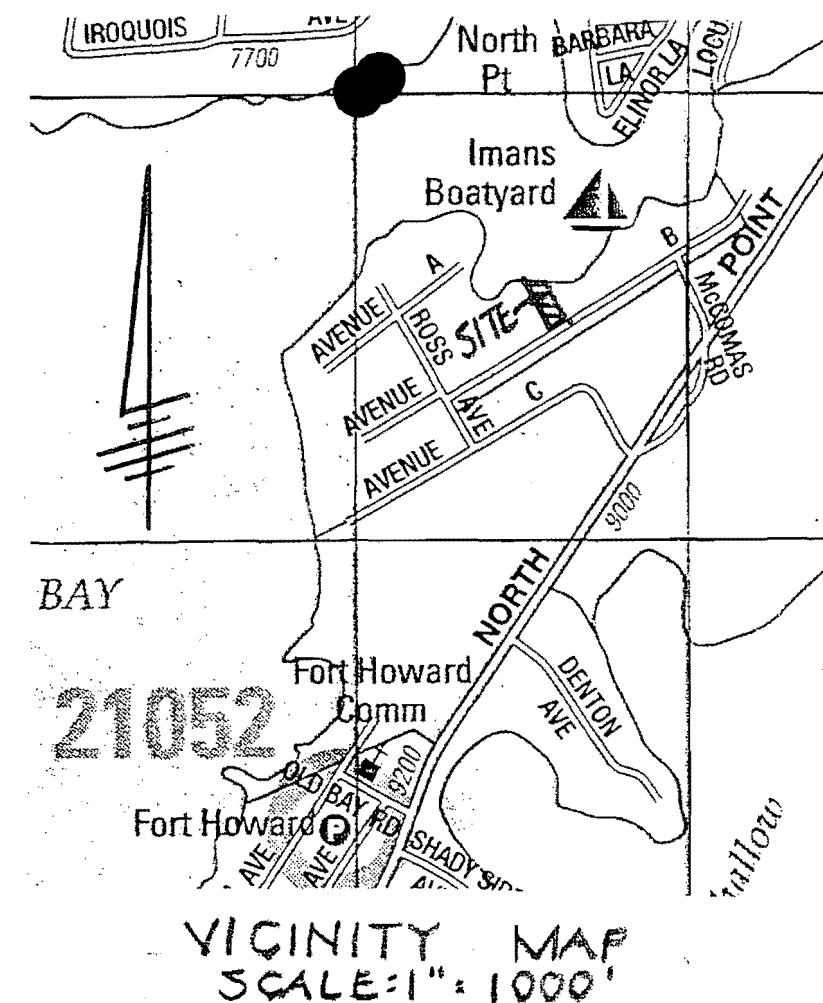






OWNER

WILLIAM R. JOHNS, SR
 JOAN K. JOHNS
 9008 AVENUE B
 BALTIMORE, MD. 21219
 DEED REF: L. 8986 F. 675
 PROP. ACCT. NO. 1502654700



NOTES

1. ZONING.....DR 5.5 (MAP NO. 111C3)
2. LOT AREA = 12,450 S.F. = 0.286 ACRE
3. SITE IS LOCATED IN THE CBCA
4. A PORTION OF THIS SITE IS LOCATED IN THE 100 YEAR FLOOD ZONE
5. PUBLIC WATER AND SEWER
6. PREVIOUS ZONING HISTORY.....CASE NO. 2008-0415-A GRANTING A FRONT YARD SETBACK OF 14 FEET AND A REAR YARD SETBACK OF 8 FEET FOR A PROPOSED ADDITION (OWNERS HAVE DECIDED AGAINST CONSTRUCTING PROPOSED ADDITION)
7. TO THE PREPARER'S KNOWLEDGE, NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND FUEL STORAGE TANKS EXIST

APPLICANT STATES: *W. Johns* 3/3/08

PETITIONER'S

EXHIBIT NO. 1

**PLAT TO ACCOMPANY PETITION
 FOR ADMINISTRATIVE VARIANCE
 9008 AVENUE B**

**LOT 15 LILLIAN BROWN PLAT PB. 7 F. 147
 ELECTION DISTRICT 15C7
 BALTIMORE COUNTY, MD
 SCALE: 1 INCH = 40 FEET MARCH 1, 2009**

CENTRAL DRAFTING & DESIGN, INC.
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719