

IN RE: PETITION FOR ADMIN. VARIANCE

West side of Oakland Road, at NW corner
of Robin Court
13th Election District
1st Councilmanic District
(5724 Oakland Road)

Wayne and Leslie McCullough
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0262-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Wayne and Leslie McCullough for property located at 5724 Oakland Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (gazebo) to be located on the third of a lot closest from a street in lieu of the required third of a lot farthest removed, and to permit an existing dwelling to have a front yard setback as close as 24 feet, a side yard setback as close as 3 feet, and a rear yard setback as close 5 feet in lieu of the required 25 feet, 7 feet and 15 feet, respectively. Petitioners wish to install a gazebo measuring 12 feet x 16 feet. The subject property is located at the corner of Oakland Road and Robin Court, and the dwelling does not face either road directly, but is constructed at an angle to both roads. The dwelling was constructed in 1955 and placed in such a way on the property that the right side of the home was constructed only 5 feet from the rear property line and only 3 feet from the side property line. The proposed gazebo will be 20 feet from the rear property line and 20 feet from the side property. Photographs submitted clearly show that the Petitioners' property is much lower than the properties of 1202 Robin Court and 5722 Oakland Road. Petitioners receive considerable water runoff from these adjacent properties and the backyard

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5.12.09
[Signature]

remains wet long after the rains have stopped. Petitioners installed an underground French drain in an attempt to control the water in the back yard, but the area remains wet long after it rains. The gazebo will be constructed at the end of the existing deck which will make it more accessible for the Petitioners. Petitioners provided a photograph of the proposed gazebo which is very attractively designed. The case file contains a notarized letter from Diane C. Purteil, who resides behind the Petitioners at 1202 Robin Court. In this letter Ms. Purteil states that she is aware of the Petitioners' plans for the gazebo and its encroachment into the setback adjacent to her property, and she does not have any objection to the proposal. None of the neighbors expressed any concern about the gazebo.

The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 19, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

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5.17.09
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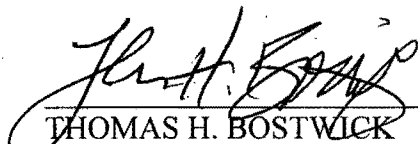
B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. The configuration of the property and the placement of the home on the property severely limits where the Petitioners can install the gazebo. The water runoff and wet backyard limits the Petitioners' ability to enjoy their back yard.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 17th day of May, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (gazebo) to be located on the third of a lot closest from a street in lieu of the required third of a lot farthest removed, and to permit an existing dwelling to have a front yard setback as close as 24 feet, a side yard setback as close as 3 feet, and a rear yard setback as close 5 feet in lieu of the required 25 feet, 7 feet and 15 feet, respectively is hereby GRANTED, subject to the following:

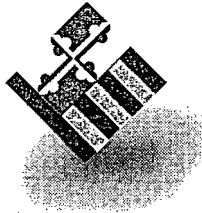
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

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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5.12.09

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 12, 2009

WAYNE AND LESLIE MCCULLOUGH
5724 OAKLAND ROAD
HALETHORPE MD 21227

Re: Petition for Administrative Variance
Case No. 2009-0262-A
Property: 5724 Oakland Road

Dear Mr. and Mrs. McCullough:

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 "J. H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

TAX ACCOUNT # 1319640180

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5724 OAKLAND RD
which is presently zoned DR 5.5

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)

Section 400.1 – To permit a proposed detached accessory structure (gazebo) to be located on the third of a lot closest from a street in lieu of the required third of a lot farthest removed; and from 1945-55 BCZR, Section III (“A” Residence Zone) C.2; 3 and 4 – to permit an existing dwelling to have a front yard setback as close as 24 feet, a side yard setback as close as 3 feet and a rear yard setback as close 5 feet in lieu of the required 25, 7 and 15, respectively

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

Attorney For Petitioner:

5724 OAKLAND RD 4102477337
Address Telephone No.Halethorpe MD 21227
City State Zip Code

Name - Type or Print

Representative to be Contacted:

Signature

Wayne McCullough
Name

Company

5724 OAKLAND RD 4102477337
Address Telephone No.

Address

Telephone No.

City

State

Zip Code

Halethorpe MD 21227
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.

CASE No 2009-0262-A

5-12-09

REVIEWED BY

POSTING

4/6/09

4/19/09

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

5724 OAKLAND RD
Address
HALETHORPE MD 21227
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):

5724 Oakland Road sits on the corner of Oakland Road and Robin Court. The house does not face either road directly but is sitting at an angle to both. Because of this configuration, my backyard is incredibly small and does not afford the space to place a 12' x 16' gazebo without encroaching into the 25' setback.

Because of the uniqueness of this situation, which severely reduces the useable size of my backyard, I have no other location where I can install the gazebo that allows me to utilize its full potential without creating an undue hardship.

I, Wayne McCullough, the owner of the house is handicapped and is suffering from Diabetes. Because of this, I have difficulties walking across unpaved or unlevel grounds like my backyard. Placing the gazebo at the end of my existing deck will eliminate a hardship that otherwise will be encountered if the structure were installed in another location in the back yard.

Wayne and Leslie McCullough have spoken with our neighbors and none have expressed any concerns over the proposed site and structure. Diane Purtel, homeowner of 1202 Robin Court, has provided a notarized letter indicating her approval of the proposed location

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. *see attached*

Signature

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

Wayne D. and Leslie M. McCullough
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 3/29/2013

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

5724 OAKLAND RD
Address
HULETHORPE MD 21227
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):

5724 Oakland Road sits on the corner of Oakland Road and Robin Court. The house does not face either road directly but is sitting at an angle to both. Because of this configuration, my backyard is incredibly small and does not afford the space to place a 12' x 16' gazebo without encroaching into the 25' setback.

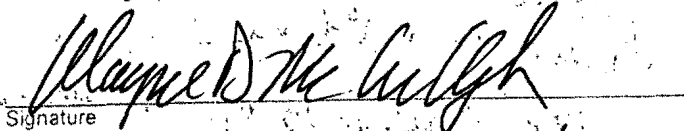
Because of the uniqueness of this situation, which severely reduces the useable size of my backyard, I have no other location where I can install the gazebo that allows me to utilize its full potential without creating an undue hardship.

I, Wayne McCullough, the owner of the house is handicapped and is suffering from Diabetes. Because of this, I have difficulties walking across unpaved or unlevel grounds like my backyard. Placing the gazebo at the end of my existing deck will eliminate a hardship that otherwise will be encountered if the structure were installed in another location in the back yard.

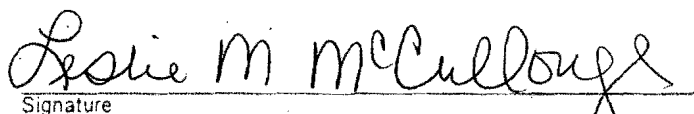
Wayne and Leslie McCullough have spoken with our neighbors and none have expressed any concerns over the proposed site and structure. Diane Purtel, homeowner of 1202 Robin Court, has provided a notarized letter indicating her approval of the proposed location

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

WAYNE D. McCullough
Name - Type or Print


Signature

Leslie M. McCullough
Name - Type or Print

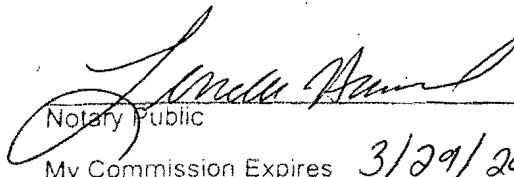
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

WAYNE D. & LESLIE M. McCullough

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

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires 3/29/2013

TAX ACCOUNT # 11319640180

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5724 OAKLAND RD
which is presently zoned DR 5.5

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)

Section 400.1 – To permit a proposed detached accessory structure (gazebo) to be located on the third of a lot closest from a street in lieu of the required third of a lot farthest removed; and from 1945-55 BCZR, Section III ("A" Residence Zone) C.2, 3 and 4 – to permit an existing dwelling to have a front yard setback as close as 24 feet, a side yard setback as close as 3 feet and a rear yard setback as close 5 feet in lieu of the required 25, 7 and 15, respectively

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

City

State

Zip Code

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

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 5-19-09 day of May 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. 2009-0362-A

Reviewed By [Signature]

Date 4/6/09

REV 10/25/01

Estimated Posting Date 4/19/09

4/6/09

There are 2 issues that cause me to petition for a variance for 5724 Oakland Road.

(Issue #1) A petition to allow a .1 ft encroachment into the 25' setback by the North East corner of 5724 Oakland Road.

According to the official plat of my property the North East corner of my house "appears" to encroach into the 25' setback by +/- .1 ft.

This house was built in 1955. Construction and survey methods of that period probably did not reveal this encroachment. As improvements were made in surveying apparatus (the advent of lasers for instance) this encroachment was discovered. There is nothing that I can do to repair this issue and therefore request a variance approval for the .1' encroachment.

Issue #2: A petition to allow an unattached 12' x 16' gazebo to be installed in such a manner that it encroaches into the side setback of 5724 Oakland Road by 6'.

5724 Oakland Road sits on the corner of Oakland Road and Robin Court. The house does not face either road directly but is sitting at an angle to both.

Because of this configuration, and current zoning laws, setback requirements, rights of way restrictions,, and zoning definitions of what constitutes a "back yard," my backyard is incredibly small and does not afford the space to safely place a 12' x 16' gazebo without encroaching into the 25' setback.

Prior to installing or purchasing the gazebo I went to the Zoning office and discussed my responsibilities as a homeowner and neighbor in my neighborhood. We determined that the size of the gazebo required a building permit for which I applied and received.

Subsequent visits to the Zoning office did not indicate that a variance was required. This did not become evident until after discussing the actual construction of the gazebo with building and zoning inspectors and determining from floor plans that the structure meets building codes.

At this point a careful examination of my plot with the Zoning office revealed that my proposed installation site would encroach into the 25 ft setback by

Item #0262

6 feet. Unfortunately by this time I had already purchased the gazebo so I began investigating a variance.

A detailed re-examination of my property, and the restrictions that the orientation of my house creates, when viewed against my neighbors house and their property, revealed that the only place that the gazebo could go and still be used to its fullest potential was at the proposed location.

Because of the configuration of my property, the placement of my house on my property, and the fact that my house does not face either Oakland Road or Robin Court directly severely reduces the useable size of my backyard, I have no other location where I can install the gazebo that allows me to utilize its full potential without creating an undue hardship.

The land along my property line in the rear of my house (west of Oakland Road) is subject to collecting runoff rain water from my neighbors' property and her neighbors' property behind her. Despite attempts at water runoff control this runoff is impossible to remove from my property due to the slight sunken nature of my back yard. Estimates to landscape that area in an attempt to lessen the dampness problem run into the tens of thousands of dollars and the results would be marginal at best.

I have installed a subterranean "French drain" style system which siphons most of the water off but the system does not remove all of the water and the area under discussion remains wet weeks after a rain. The Manufacturer of the gazebo does not recommend installing the gazebo in a constantly damp area as this will drastically shorten the life expectancy of my gazebo resulting in only years of use instead of decades of use

If I place the gazebo in such a fashion that it does not encroach into the 25 ft setback I would need to remove 6 feet of my deck and move the gazebo North towards the center of the back of my house. This action will bring the roof of the gazebo within close proximity of the overhead power lines that bring power into my house. This will cause a safety hazard and potentially a fire hazard. As such this is not a recommended solution.

Item #0262

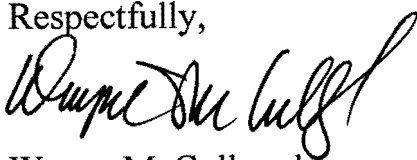
I also am handicapped due to Diabetes and Guillian Barre` syndrome. Because of the damage that these diseases have wrought upon me, I have difficulty walking across unpaved or unlevel grounds. I have injured myself several times walking through the backyard. By placing the gazebo at the end of my existing deck this will eliminate a hardship that otherwise will be encountered if the structure were installed in another location in the back yard.

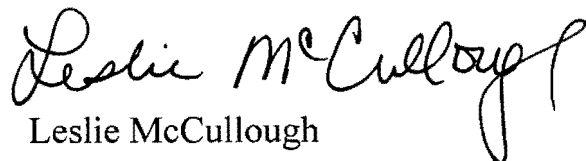
My wife, Leslie McCullough, and I have spoken with our neighbors on both sides of our property and also around Robin Court. None of our neighbors have expressed any concerns or reservations over the proposed site or structure. Diane Purtel, who owns the house directly behind me (1202 Robin Court), has graciously provided a notarized letter indicating her approval of the proposed location.

Photos of my property, the proposed location for the unattached Gazebo, and my neighbor's property accompany this petition. I have also included a picture of the gazebo so that you can see that the gazebo is tastefully designed, well constructed, and blends in with the neighborhood.

We therefore beg the Zoning Commission's indulgence and request a variance approval to allow an unattached 12' x 16' gazebo to be installed in such a manner that it encroaches into the side setback of 5724 Oakland Road by 6'.

Respectfully,


Wayne McCullough


Leslie McCullough

Item #0262

ZONING DESCRIPTION FOR 5724 Oakland Road

Beginning at a point on the west side of Oakland Road which has a 60' Right of Way and North of the nearest improved intersecting street Robin Court which has a 60' Right of Way.

Being Lot #9, Block B, Section #1 in the subdivision of Wynnewood as recorded in Baltimore County Plat Book #20, folio #155, containing .191 acres (8343 sq ft).

Also known as 5724 Oakland Road and located in the 13th Election District, 01 Councilmanic District.

Item #0262

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

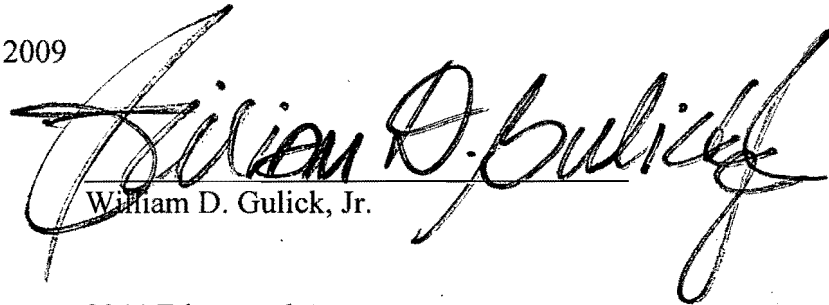
Date: April 19, 2009

Attention: Zoning Office
Mr. David Duvall

Re: Case Number: 2009-0262-A
Petitioner/Developer: Wayne D. & Leslie M. McCullough
Date of Hearing/Closing: May 4, 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: 5724 OAKLAND ROAD

The sign (s) were posted on: April 19, 2009



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS

RECEIVED

APR 23 2009

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
410-530-6293

LETTER OF TRANSMITTAL

TO: Baltimore County PDM Zoning Office

DATE: April 19, 2009

JOB NO. 2009-007

ATTENTION: Ms. Kristen Matthews
Mr. David Duvall

RE: 5724 Oakland Road

CASE NO. 2009-0262-A

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☐ Prints ☐ Documents ☐ Other ☐

No. of Copies	Date	Description
1	4/19/09	Certificate of Posting
2	4/19/09	Site Photos

TRANSMITTALS are as checked below:

☒ For approval ☒ For your use ☐ As requested ☐ For review & comment

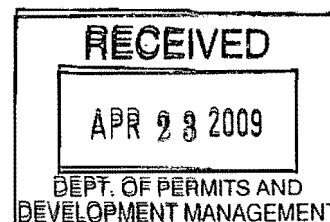
☐ Other ☐

REMARKS:

SIGNED:

WILLIAM D. GULICK, JR.

File #



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

No. 37880

Date: 4/6/07

PAID RECEIPT

BUSINESS ACTUAL TIME
4/07/2007 4/06/2007 19:21:00
NO 0302 WALKIN JEFF JOE
RECEIPT # 65104 4/06/2007 DEIN
INCL 5 500 /0000 IDENTIFICATION
BY 10000
CASHIER'S
DATE 4/6/07
TIME 1:00 PM
BY 10000

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
201	201	201								

Total: 269

Rec From: [Signature]
For: [Signature] 2009 0262 A

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

CASHIER'S
VALIDATION

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0262 -A Address 5724 Oakland Rd

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/6/09 Posting Date: 4/19/09 Closing Date: 5/4/09

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- 0262 -A Address 5724 Oakland Rd

Petitioner's Name W + L McCullough Telephone (410) 247-7337

Posting Date: 4/19/09 Closing Date: 5/4/09

Wording for Sign: To Permit a proposed detached accessory structure (gazebo) to be located on the third of a lot closest from a street in lieu of the required third of a lot farthest removed; and to permit an existing dwelling to have a front yard setback as close as 24 feet, a side yard setback as close as 3 feet, and a rear yard setback as close as 5 feet in lieu of the required 25, 7 and 15, respectively

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: 2009-0262-A

Petitioner: WAYNE McWILLough

Address or Location: 5724 OAKLAND RD Halethorpe MD 21227

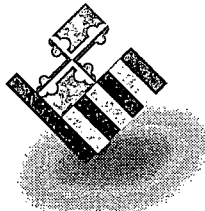
PLEASE FORWARD ADVERTISING BILL TO:

Name: WAYNE McWILLough

Address: 5724 OAKLAND RD

Halethorpe MD 21227

Telephone Number: 410-247-7337



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

Wayne & Leslie McCullough
5724 Oakland Rd.
Halethorpe, MD 21227

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Map Development Management

Dear: Wayne & Leslie McCullough

RE: Case Number 2009-0262-A, 5724 Oakland Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 6, 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 dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 27, 2009

RECEIVED

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

APR 28 2009

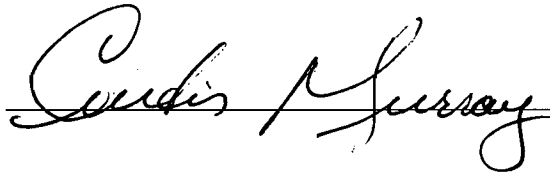
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): ^{262 OK} Case(s) 09-253- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



AV
5-4-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 04 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: May 4, 2009

SUBJECT: Zoning Item # 09-262-A
Address 5724 Oakland Road
(McCullough Property)

Zoning Advisory Committee Meeting of April 20, 2009

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

Reviewer: JW L

Date: 5/4/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For response date April 20, 2009
Item Nos. 2009-257, 258, 259, 260,
262 and 263

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

DAK:CE~~N~~:cab
cc: File
ZAC-04202009-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 6, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item Nos. 2009-0148, 0162, 0167, 0168,
0169, 0170, 0171, and 0173.

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

DAK:CEN:lrk
cc: File
ZAC-122908 -NO COMMENTS



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: April 14, 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 2009-0262-A
5762 OAKLAND RD
MC CULLOUGH PROPERTY
ADMIN - 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. 2009-0262-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



Diane Purtell
1202 Robin Court
Halethorpe, MD 21227
March 26, 2009

To Whom It May Concern:

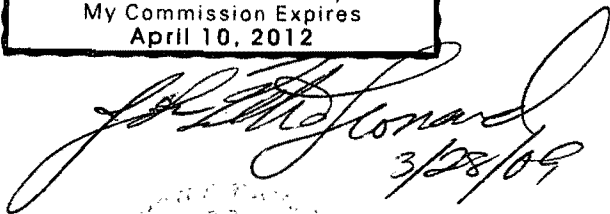
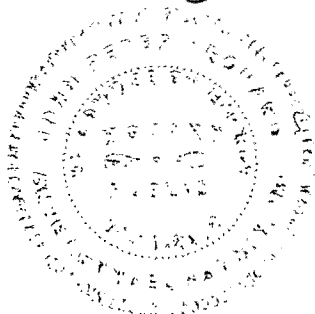
It is my understanding that my neighbor, Wayne McCullough, has applied for a permit to place a gazebo on his property located at 5724 Oakland Road, Baltimore County, MD 21227. I understand that the site of the gazebo will be within a 25 foot setback adjacent to my property line located at the above mentioned address in Baltimore County, MD 21227. I am writing this letter to inform you that Mr. McCullough does indeed have my permission to place the gazebo at the location he has chosen. If you need any further information, please do not hesitate to contact me at 410-242-6026 or at the above address.

Sincerely,



Diane C. Purtell

JOHN PETER LEONARD
Notary Public-Maryland
Anne Arundel County
My Commission Expires
April 10, 2012


3/28/09

Item #0262

Item #0262

MVA Disability Parking Certification

**PLEASE REPORT STOLEN PLACARDS TO YOUR
LOCAL LAW ENFORCEMENT AGENCY**

Soundex Number: M242866149164

Disability Code: 8

Placard/Plate Expiration Date: Apr 2011

Certification Expiration Date: N/A

Name: WAYNE DOUGLAS MCCULLOUGH

Address: 5724 OAKLAND RD

BALTIMORE, MD 21227

Date of Birth: 03/03/1955 Sex: M





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 13 Account Number - 1319640180

Owner Information

Owner Name:	MCCULLOUGH WAYNE D MCCULLOUGH LESLIE M	Use:	RESIDENTIAL
Mailing Address:	5724 OAKLAND RD BALTIMORE MD 21227	Principal Residence:	YES
		Deed Reference:	1) /10588/ 664 2)

Location & Structure Information

Premises Address	Legal Description
5724 OAKLAND RD	5724 OAKLAND RD WYNNEWOOD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
108	11	616			1	B	9	1	Plat Ref: 20/ 155

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	1,344 SF	8,343.00 SF	04
Stories	Basement	Type	Exterior
2	NO	SPLIT LEVEL	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2008	07/01/2009
Land	38,080	98,080		
Improvements:	109,410	163,400		
Total:	147,490	261,480	223,482	261,480
Preferential Land:	0	0	0	0

Transfer Information

Seller: TAYLOR MICHAEL J	Date: 06/15/1994	Price: \$127,750
Type: IMPROVED ARMS-LENGTH	Deed1: /10588/ 664	Deed2:
Seller: SPICER WILLIAM P	Date: 07/03/1990	Price: \$125,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8533/ 157	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

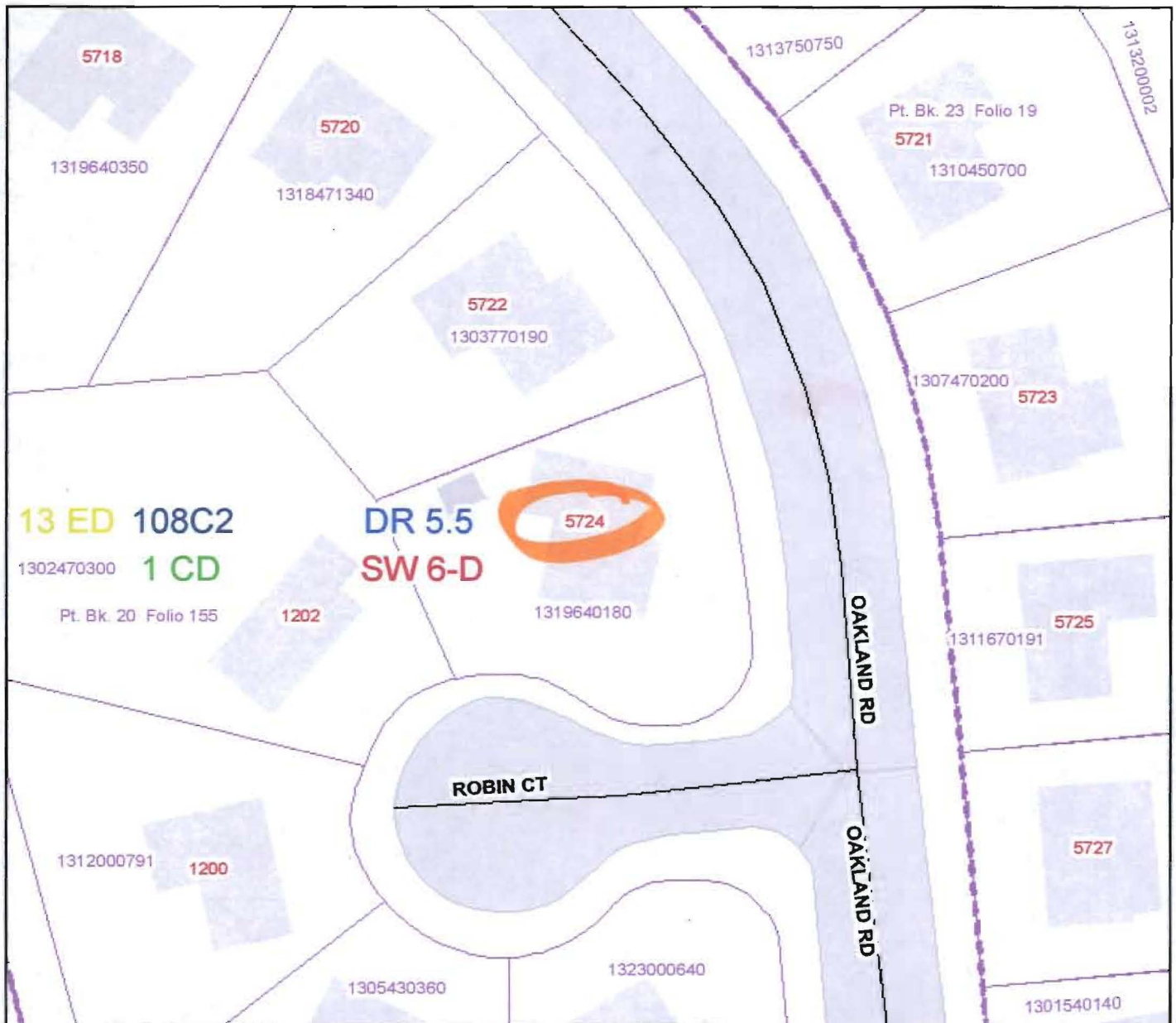
Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

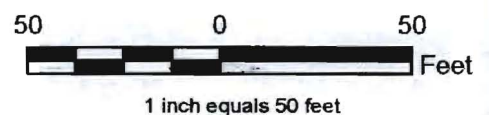
5724 Oakland Road



Publication Date: April 01, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

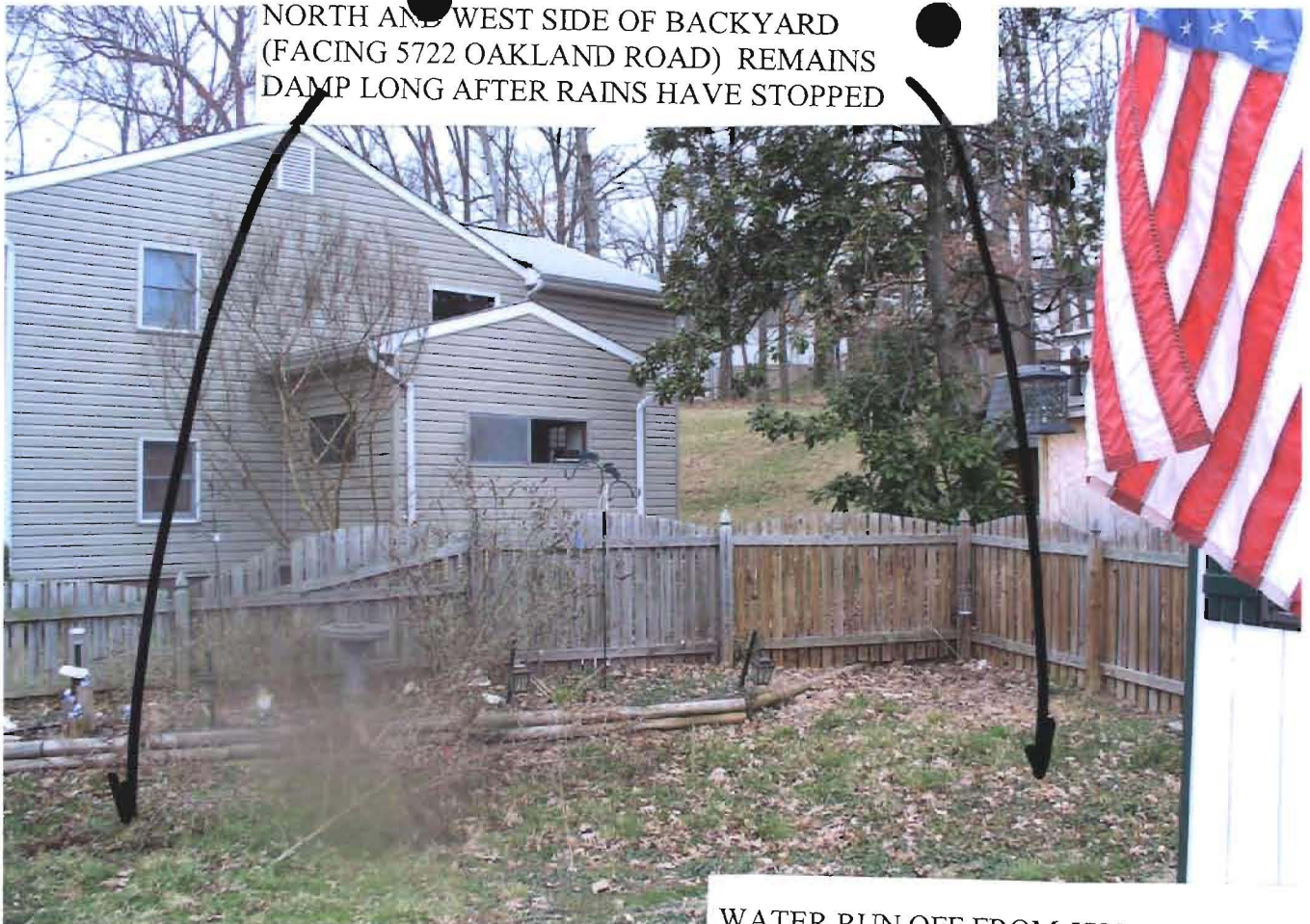


DQ Map Notes



Item # 0262

NORTH AND WEST SIDE OF BACKYARD
(FACING 5722 OAKLAND ROAD) REMAINS
DAMP LONG AFTER RAINS HAVE STOPPED



WATER RUN OFF FROM 5722 OAKLAND ROAD
(WEST OF 5724 OAKLAND ROAD)

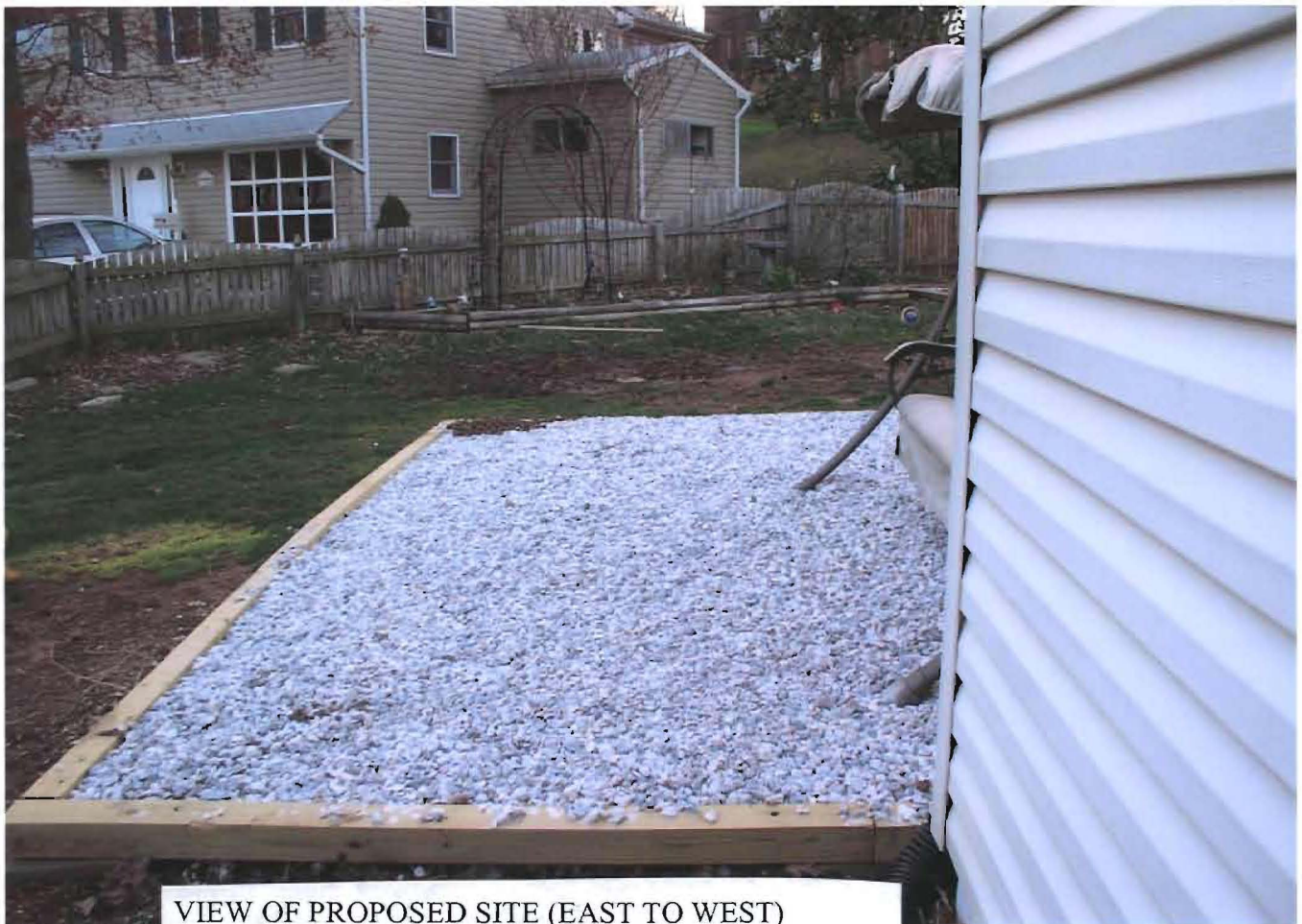
WATER RUN OFF FROM 2 HILLS BEHIND 1202
ROBIN CT. (WEST OF 5724 OAKLAND ROAD)



Item #0262



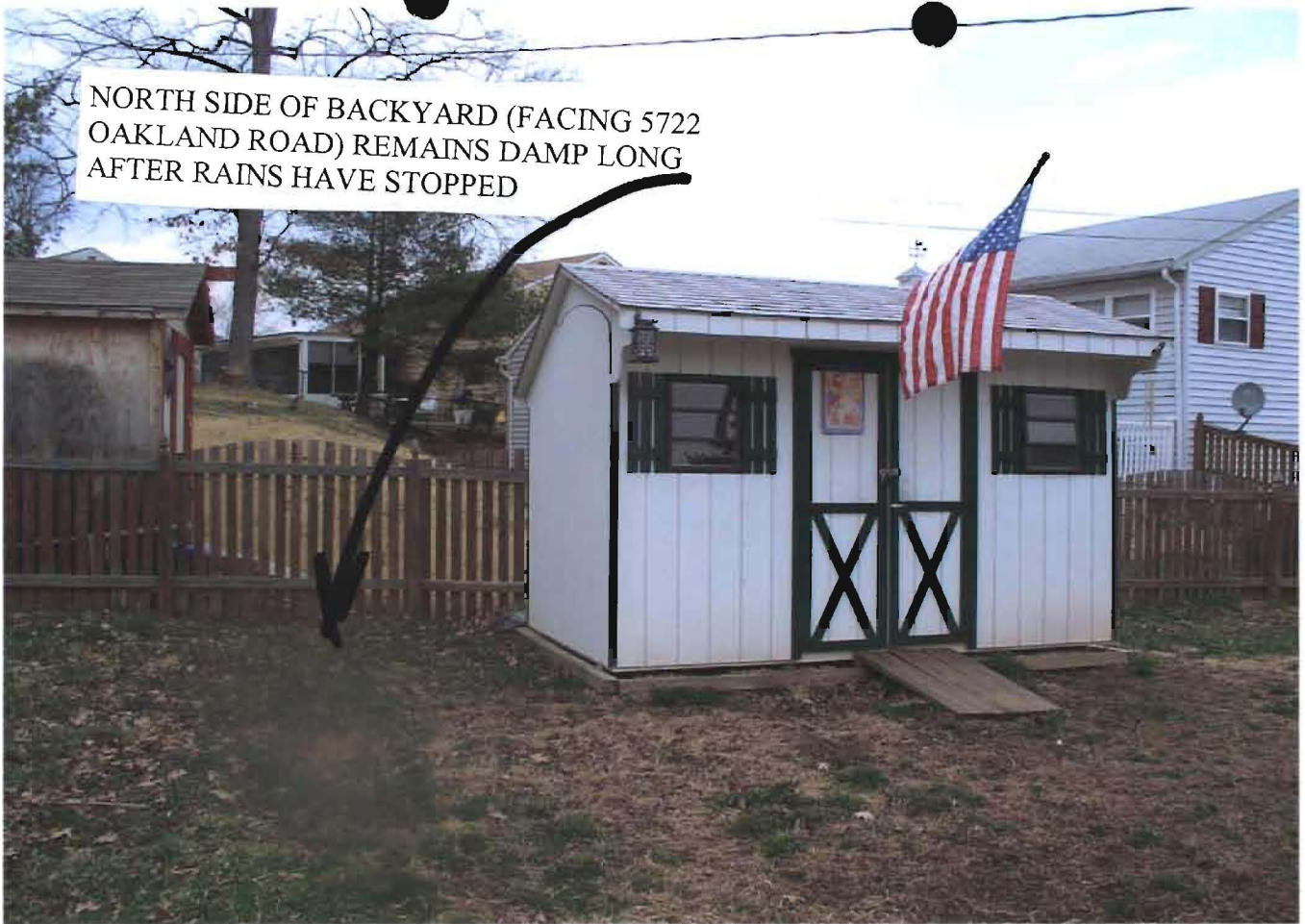
VIEW OF PROPOSED SITE (WEST TO EAST)
FACING OAKLAND ROAD. PLEASE NOTE TREE
THAT BLOCKS SITE OF PROPOSED SITE FROM
OAKLAND ROAD.



VIEW OF PROPOSED SITE (EAST TO WEST)
FACING 1202 ROBIN COURT.

Item #0262

NORTH SIDE OF BACKYARD (FACING 5722
OAKLAND ROAD) REMAINS DAMP LONG
AFTER RAINS HAVE STOPPED



VIEW OF BACK SIDE OF 5724 OAKLAND ROAD
SHOWING POWER LINE FEED INTO HOUSE.



Item # 0262



CONDITION OF WEST SIDE OF BACKYARD
(FACING 1202 ROBIN CT.) 2 DAYS AFTER MOST
RECENT HEAVY RAINS



CONDITION OF NORTH SIDE OF BACKYARD
(FACING 5722 OAKLAND ROAD) 2 DAYS AFTER
MOST RECENT HEAVY RAINS

Item #0262



2/16/2009 16:36

Item #0202

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

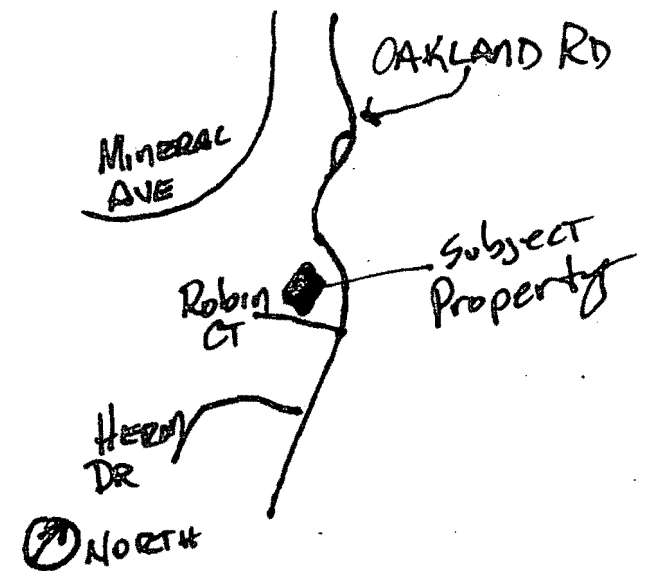
PROPERTY ADDRESS 5724 OAKLAND RD

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

SUBDIVISION NAME WYNNEWOOD

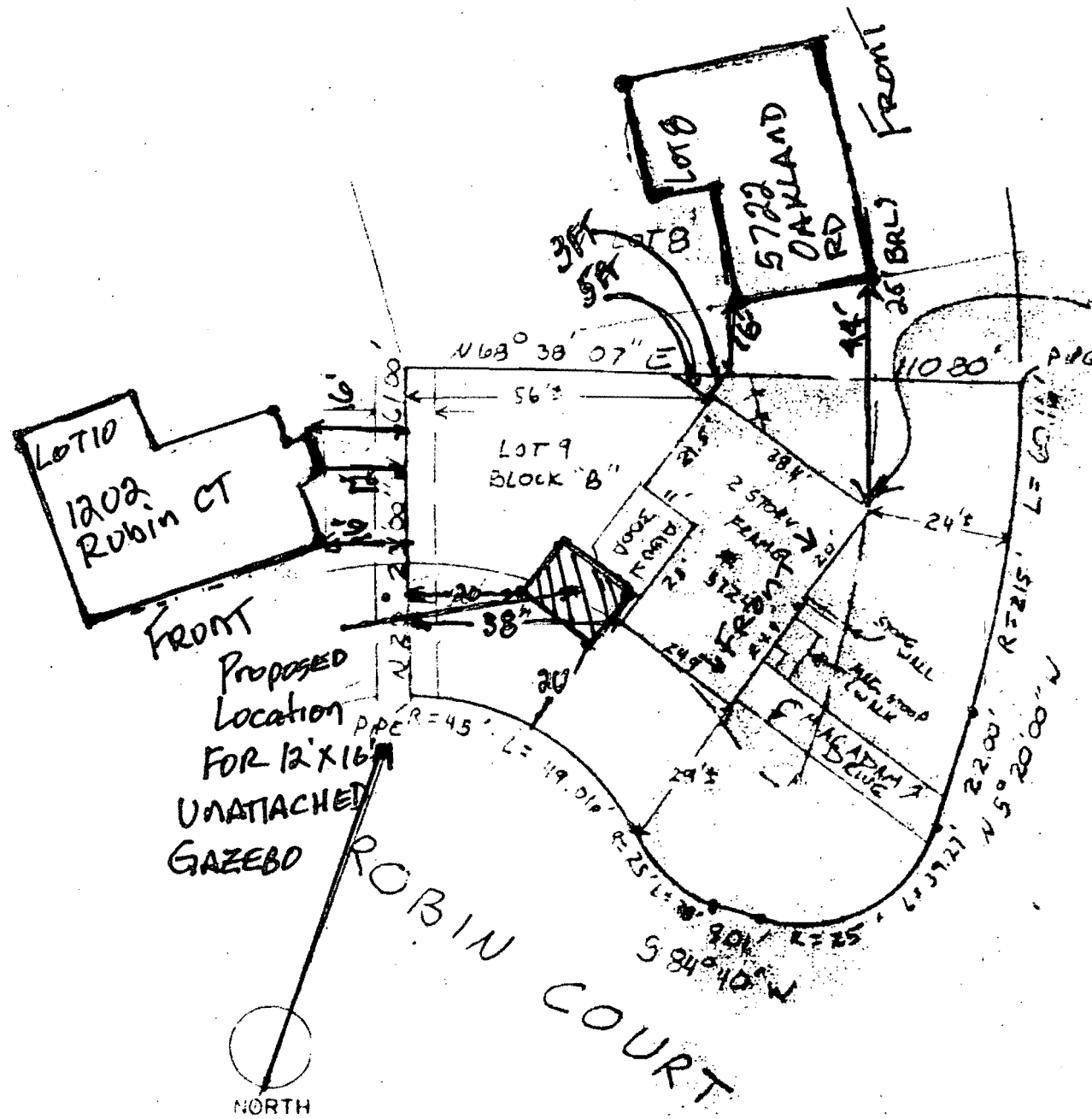
PLAT BOOK # 20 FOLIO # 155 LOT # 9 SECTION # 1

OWNER WAYNE & LESUE McCullough



VICINITY MAP
SCALE: 1" = 1000'

owner supports request →



Note: Corner Appears To Encroach on 25' BRL BY 1'.

OAKLAND ROAD
(60' R/W)

LOCATION INFORMATION

ELECTION DISTRICT 13
COUNCILMANIC DISTRICT D1
1" = 200' SCALE MAP # 108C2
ZONING DR 5.5
LOT SIZE .191 ACREAGE 8343.0 SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY KD ITEM # 2009-0262-A CASE # 2009-0262-A