

IN RE: PETITION FOR VARIANCE

N side of Bird River Grove Road;
5,230 feet E of the c/l of Ebenezer Road
15th Election District
6th Councilmanic District
(11212 Bird River Grove Road)

Valerie E. Thurmond
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FORBALTIMORE COUNTY
* **CASE NO. 2009-0286-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Valerie E. Thurmond. Petitioner is requesting variance relief from Sections 1A01.3.B.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling with a side yard setback of 11 feet on both sides in lieu of the required 35 feet, respectively, for a replacement dwelling, and to permit an open projection (deck) with side yard setbacks of 11 feet on both sides in lieu of the required 26.25 feet, respectively. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Petitioner Valerie E. Thurmond. There were no Protestants or interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains approximately 0.238 acre, more or less, zoned R.C.2. This waterfront property is located on the north side of Bird River Grove Road and east of Ebenezer Road in the White Marsh area of Baltimore County. The property was improved with a brick single-family dwelling until an unexpected fire in 2008 destroyed the majority of the home. Photographs that

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Date 7-14-09
By [signature]

were marked and accepted into evidence as Petitioner's Exhibits 4A through 4D depict the damage from the fire as well as the remaining portion of the home. Petitioner has lived in the home, originally built in 1947, since 2004 as indicated on the Real Property Data Search marked and accepted into evidence as Petitioner's Exhibit 2. Petitioner desires to raze the remaining brick and block shell of the dwelling and construct a replacement home and deck approximately within the existing footprint of the home, as shown on the site plan. Petitioner's proposed dwelling and open projection deck will cover 1,816 square feet of the lot compared with the 1,988 square feet of lot coverage that existed prior to the fire as shown on the site plan.

In order to make the needed improvements, Petitioner is in need of variance relief for the dwelling and open projection deck that will be attached to the new dwelling. Petitioner indicated that the limitations of the lot itself, due to the narrowness of the lot, and the requirements of the Baltimore County Zoning Regulations (B.C.Z.R.) drive the need for the variance in this R.C.2 Zone. In particular, the subject property is extremely long and narrow, much deeper than it is wide, thereby limiting the options on improvements and new construction as shown on the zoning map that was marked and accepted into evidence as Petitioner's Exhibit 5. Moreover, the subject property and existing dwelling predate the adoption of the R.C.2 Zoning classification. Indeed, the home as it existed prior to the fire, did not meet the minimum side yard setback requirements. Further, a number of the neighboring properties with frontage on the Bird River Hydrology Area have similar narrow-rectangular lot shapes to Petitioner, though varying lot sizes due to differences in width and shoreline, and subsequently do not meet the requisite setback requirements as indicated on Petitioner's Exhibit 5.

Finally, Petitioner submitted a letter that was marked and accepted into evidence as Petitioner's Exhibit 6 from Rick and Pat Barnes of 11210 Bird River Grove Road, an adjacent

ORIGINAL RECEIVED FOR FILING
Date 7-14-09
By [Signature]

neighbor of Petitioner, advising the Zoning Office that they had no objection to the requested variance relief.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated May 13, 2009. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were also received from the Department of Environmental Protection and Resource Management dated June 3, 2009 which indicate that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage may go up to 31.25% with mitigation for areas of 25%. All manmade driveway surfaces must be included in lot coverage calculations. 15% afforestation applies in the LDA. All BMA requirements must be met for any redevelopment within the 100f foot buffer.

Considering of all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is irregularly shaped, pre-dates the formulation and adoption of the R.C.2 Zoning regulations, and the former dwelling could not possibly meet the current setback requirements for the R.C.2 Zone. Thus, I find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship. Additionally, the proposed re-construction of the lot minimizes impact on the environment and

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Date 7-14-09
By [Signature]

surrounding locale as the new dwelling and open-projection deck would be further away from the water than the previous dwelling and carry less square footage than before.

Therefore, I find that the variance requests can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. The proposed dwelling and deck will be compatible with the pattern of development of the neighborhood, and will enable Petitioner the common law right to use her property in a manner so as to realize its highest and best use in accordance with Maryland law. *See, Aspen Hill Venture v. Montgomery County Council*, 265 Md. 303 (1972). Thus, I find that these variance requests can be granted as to meet the requirements of Sections 1A01.3.B.3 and 301.1 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 14th day of July, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance requests from Sections 1A01.3.B.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling with a side yard setback of 11 feet on both sides in lieu of the required 35 feet, respectively, for a replacement dwelling, and to permit an open projection (deck) with side yard setbacks of 11 feet on both sides in lieu of the required 26.25 feet, respectively, be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

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

UNDER REVIEW FOR FILING
Date 7-14-09
By [Signature]

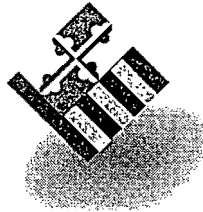
2. The base flood elevation for this site is 10.2 feet Baltimore County Datum. The flood protection elevation for this site is 11.2 feet. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
3. 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.
4. 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.
5. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
6. 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).
7. The property is within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage may go up to 31.25% with mitigation for areas of 25%. All manmade driveway surfaces must be included in lot coverage calculations. 15% afforestation applies in the LDA. All BMA requirements must be met for any redevelopment within the 100f foot buffer.

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

ORDER RECEIVED FOR FILING
Date 7-14-09
By [Signature]

THB:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 14, 2009

Valerie L. Thurmond
2310 Martin Drive
Essex, Maryland 21221

RE: PETITION FOR VARIANCE

N side of Bird River Grove Road; 5,230 feet E of the c/l of Ebenezer Road
15th Election District - 6th Councilmanic District
(11212 Bird River Grove Road)
Valerie E. Thurmond -- *Petitioner*
Case No. 2009-0286-A

Dear Ms. Thurmond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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,


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: Chesapeake Bay Critical Area Bay Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; Bureau of Development Plans Review; File



TAX. ACCO # 1520200140

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11212 BIRD AVE GROVE RD
which is presently zoned RC-2 WHITE MARSH, MD

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) 1401.3.B.3 DCZR AND 301.1 2162

To permit a dwelling with a side yard setbacks of 11' on both sides in lieu of the required 35' respectively for a replacement dwelling. And to permit an open projection

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

(Deck) with a side yard setbacks of 11' on both sides in lieu of the required 26.25' respectively.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 2009-0286-A

ESTIMATED LENGTH OF HEARING _____

ORDER RECEIVED FOR FILING

AVAILABLE FOR HEARING

Date 7-14-09 Reviewed By JF Date 4/24/09

By [Signature]

Zoning Description
11212 Bird River Grove Rd.

Beginning at a point on the north side of Bird River Grove Rd., (25' elw) at a distance of 5230 feet easterly of the centerline of Ebenezer Rd (50' elw). Being Lot 30 as shown on a plat entitled "Section A Bird River Grove, which is recorded among the land records for Baltimore County Maryland in Plat Book 7, Folio 189. Said Lot containing 10,369 sq. ft (0.238 acres) is located in the 15TH Election District, and the 6TH Councilmanic District, and is known as 11212 Bird River Grove Rd.

0286

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

No. 39276

Date: 4/24/09

PAID RECEIPT

BUSINESS ACTUAL TIME BROW
 4/24/2009 4/24/2009 11:37:41 7

BL MGRY WALKIN BRDL WMD
 RECEIPT # 436720 4/24/2009 OFLN

Dept 5 528 TOWING VERIFICATION
 NO. 039276

Receipt Tot 65.00
 65.00 5K 5.00 EN
 Baltimore County, Maryland

				Rev	Sub				
				Source/	Rev/				
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	
001	806	0800		6150				65.00	

Total: 65.00

Rec From: Valerie Thurmond

For: Petition For Variance

11212 Birch Rd - Suite 101

2009 - 1286 - A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: #2009-0286-A

11212 Bird River Grove Road

N/side of Bird River Grove Road, at a distance of 5,230 feet east of centerline of Ebenezer Road

15th Election District --- 6th Councilmanic District

Legal Owner(s): Valerie L. Thurmond, Trustee

Variance: to permit a dwelling with a side yard setback of 11 feet on both sides of in lieu of the required 35 feet respectively for a replacement dwelling, and to permit an open projection (deck) with a side yard setback of 11 feet on both sides in lieu of the required 26.25 feet respectively.

Hearing: Thursday, July 2, 2009 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, please contact the Zoning Commissioner's Office at: (410) 887-4386.

(2) For information concerning the File and/or Hearing, contact the Zoning Review Office at (410) 887-3391.
JT 6/8/09 June 16 203637

CERTIFICATE OF PUBLICATION

6/18/2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of ~~2~~ 1 successive weeks, the first publication appearing on 6/16/2009.

- ☒ 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 2009-0286-A

Petitioner/Developer VALERIE
L. THURMOND

Date Of Hearing/Closing: 7/2/09

**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 11212 BIRD RIVER GROVE RD

This sign(s) were posted on April 14, 2009

Month, Day, Year

Sincerely,

Martin Ogle 4/14/05
Signature of Sign Poster and
Martin Ogle

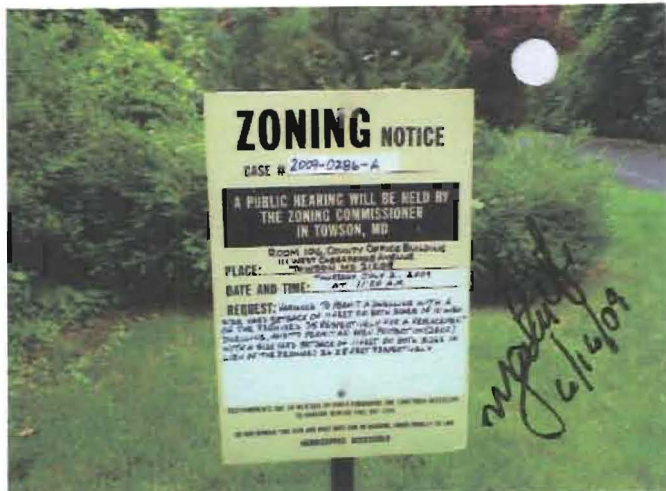
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



**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: 2009-0286-A

Petitioner: Valerie L. Thurmond, Trustee

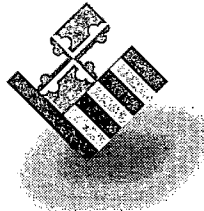
Address or Location: 11212 Bird River Grove RD
WHITE MARSH, MD 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: Valerie Thurmond

Address: 2310 Martin Dr
ESSEX, MD 21221

Telephone Number: (410) 682-3859



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 2, 2009
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2009-0286-A

11212 Bird River Grove Road

N/side of Bird River Grove Road, at a distance of 5,230 feet east of centerline of Ebenezer Road
15th Election District – 6th Councilmanic District

Legal Owner: Valerie L. Thurmond, Trustee

Variance to permit a dwelling with a side yard setback of 11 feet on both sides of in lieu of the required 35 feet respectively for a replacement dwelling, and to permit an open projection (deck) with a side yard setback of 11 feet on both sides in lieu of the required 26.25 feet respectively.

Hearing: Thursday, July 2, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Valerie Thurmond, 2310 Martin Drive, Essex 21221

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 16, 2009 Issue - Jeffersonian

Please forward billing to:
Valerie Thurmond
2310 Martin Drive
Essex, MD 21221

410-682-3859

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: 2009-0286-A

11212 Bird River Grove Road

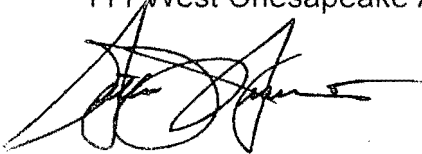
N/side of Bird River Grove Road, at a distance of 5,230 feet east of centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owner: Valerie L. Thurmond, Trustee

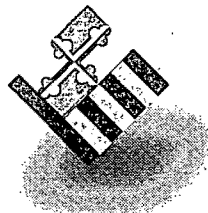
Variance to permit a dwelling with a side yard setback of 11 feet on both sides of in lieu of the required 35 feet respectively for a replacement dwelling, and to permit an open projection (deck) with a side yard setback of 11 feet on both sides in lieu of the required 26.25 feet respectively.

Hearing: Thursday, July 2, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 26, 2009

Valerie L. Thurmond
2310 Martin Dr.
Essex, MD 21221

Dear: Valerie L. Thurmond

RE: Case Number 2009-0286-A, 11212 Bird River Grove Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 24, 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, reading "W. Carl Richards, Jr.".

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: May 13, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For May 11, 2009
Item No. 09-286

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 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 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:cab

cc: File

ZAC-ITEM NO 2009-0286-05112009

11 am

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

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 3, 2009

SUBJECT: Zoning Item # 09-286-A
Address 11212 Bird River Grove Road
(Thurmond Property)

Zoning Advisory Committee Meeting of May 4, 2009

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

 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:

The property is within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage may go up to 31.25%, with mitigation for areas over 25%. All manmade driveway surfaces must be included in lot coverage calculations. 15% afforestation applies in the LDA. All BMA requirements must be met for any redevelopment within the 100-foot buffer.

Reviewer: Regina Esslinger

Date: May 29, 2009

TB 7/2
11 am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 21, 2009

RECEIVED

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

MAY 26 2009

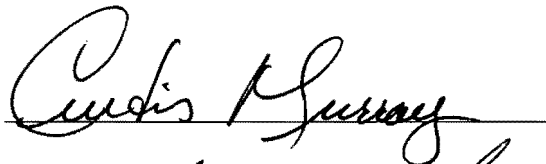
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-286- Variance**

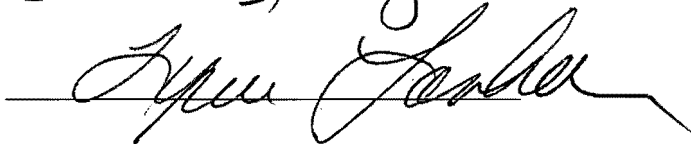
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

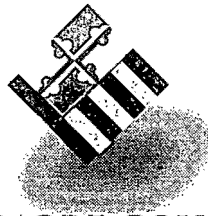
For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL





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

April 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 4, 2009

Item Numbers 0234, 0254, 0281, 0283, 0285, ~~0286~~ and 0287

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: MAY 14, 2009

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

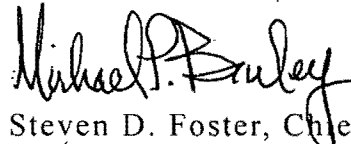
RE: Baltimore County
Item No. 2009-0286-A
11212 BIRD RIVER GROVE RD
THURMOND PROPERTY
VARIANCE -

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. 2009-0286-A.

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

Very truly yours,



For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 21, 2009

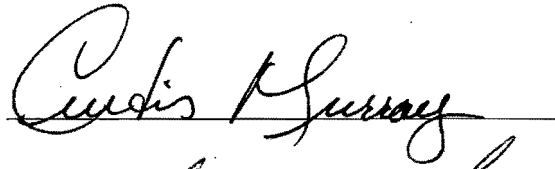
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-286- Variance**

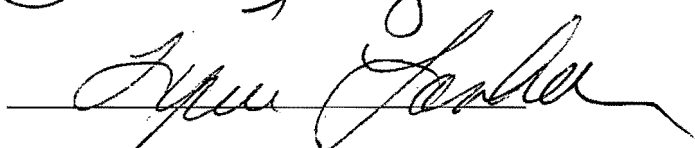
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



RE: PETITION FOR VARIANCE * BEFORE THE
11212 Bird River Grove Road: N/S Bird
River Grove Road, 5,230' E of Ebenezer Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Valerie Thurmond * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-286-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

MAY 07 2009

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of May, 2009, a copy of the foregoing Entry of Appearance was mailed to Valerie Thurmond, 2310 Martin Drive, Essex, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME Valerie E. Thurmond
CASE NUMBER 2009-0786-A
DATE 7-2-09

CASE NAME Valerie E. Thurmond
CASE NUMBER 2009-0786-A
DATE 7-2-09

[illegible]



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

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

Account Identifier: District - 15 Account Number - 1520200140

Owner Information

Owner Name: THURMOND VALERIE LYNN, TRUSTEE **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 11212 BIRD RIVER GROVE RD **Deed Reference:** 1) /26780/ 525
 WHITE MARSH MD 21162-1804 2)

Location & Structure Information

Premises Address 11212 BIRD RIVER GROVE RD **Legal Description** 11212 BIRD RIVER GR RD S
 BIRD RIVER GROVE
 WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
73	20	324			A		30	3	Plat Ref: 7/ 189

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		10,050.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
Land	177,260	177,260		
Improvements:	2,100	2,850		
Total:	179,360	180,110	179,360	179,610
Preferential Land:	0	0	0	0

Transfer Information

Seller: THURMOND VALERIE	Date: 03/17/2008	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /26780/ 525	Deed2:
Seller: MATTHEWS WILLIAM J, JR	Date: 10/19/2004	Price: \$255,000
Type: IMPROVED ARMS-LENGTH	Deed1: /20852/ 115	Deed2:
Seller: SMITH LOUIS L	Date: 10/29/1979	Price: \$54,900
Type: IMPROVED ARMS-LENGTH	Deed1: / 6095/ 15	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 *

PETITIONER'S

EXHIBIT NO. 2



PETITIONER'S

EXHIBIT NO.

3A+B





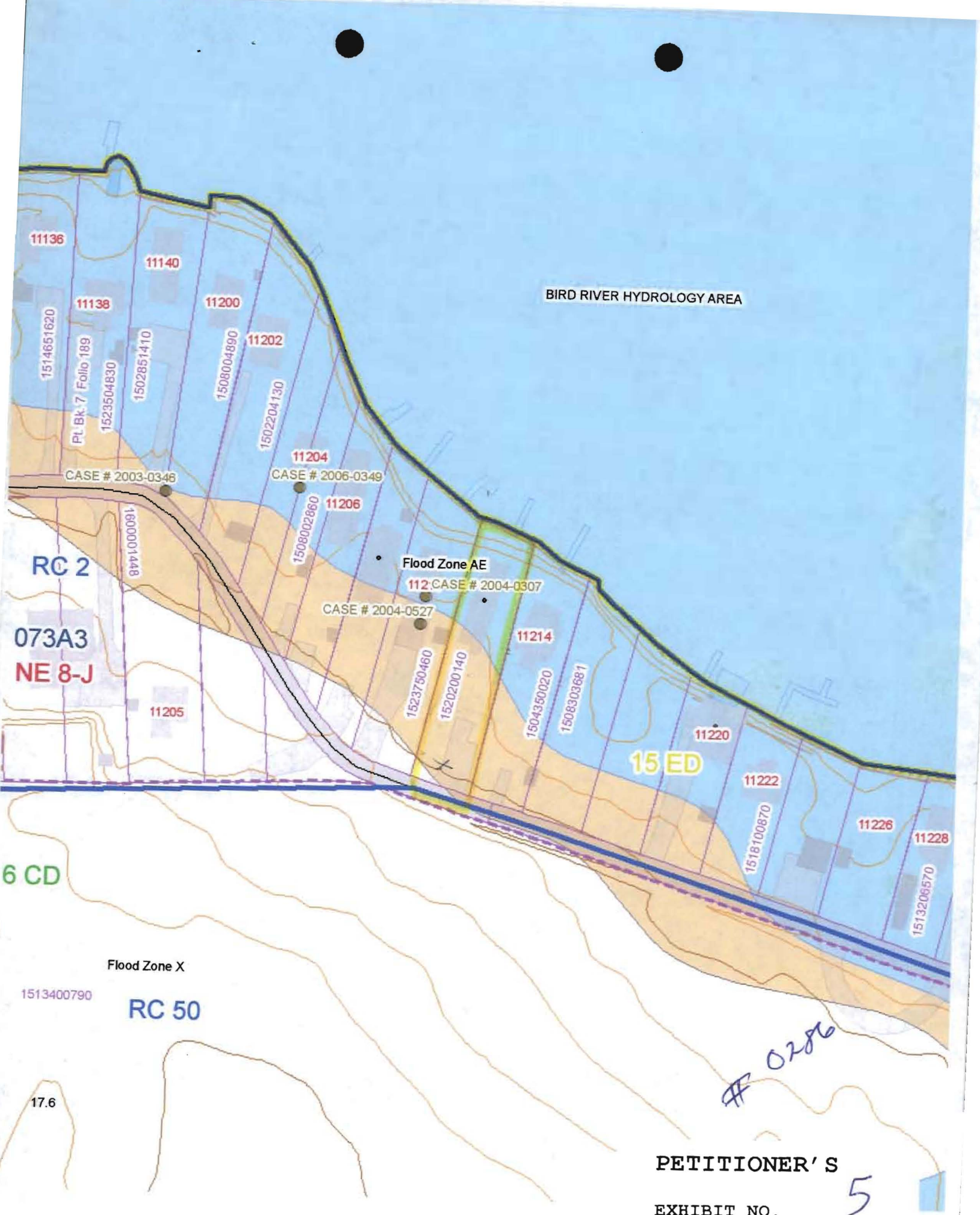
PETITIONER'S

EXHIBIT NO.

4A-D







PETITIONER'S

EXHIBIT NO.

5

TO: Zoning Commissioner of Baltimore County,
Department of Permits and Development Management

April 22, 2009

FROM: Rick and Pat Barnes
11210 Bird River Grove Rd.
White Marsh, MD 21162
Ph: (410) 335-4846

Dear Sir/Madam:

This letter is to advise you that we have no objection to the proposed building plan of our immediate neighbor Ms. Valerie Thurmond at 11212 Bird River Grove Road, White Marsh, MD 21162. Sincerely,



Rick Barnes



Pat Barnes

PETITIONER' S

EXHIBIT NO. 5

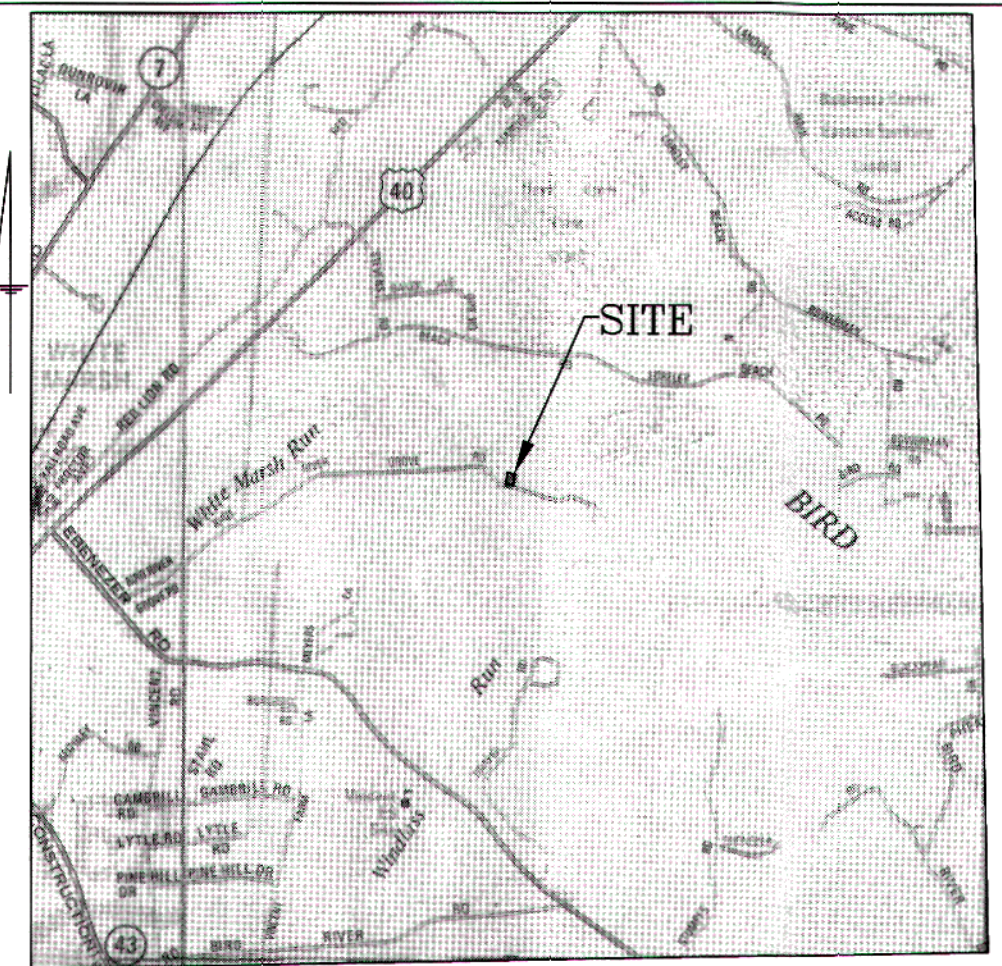
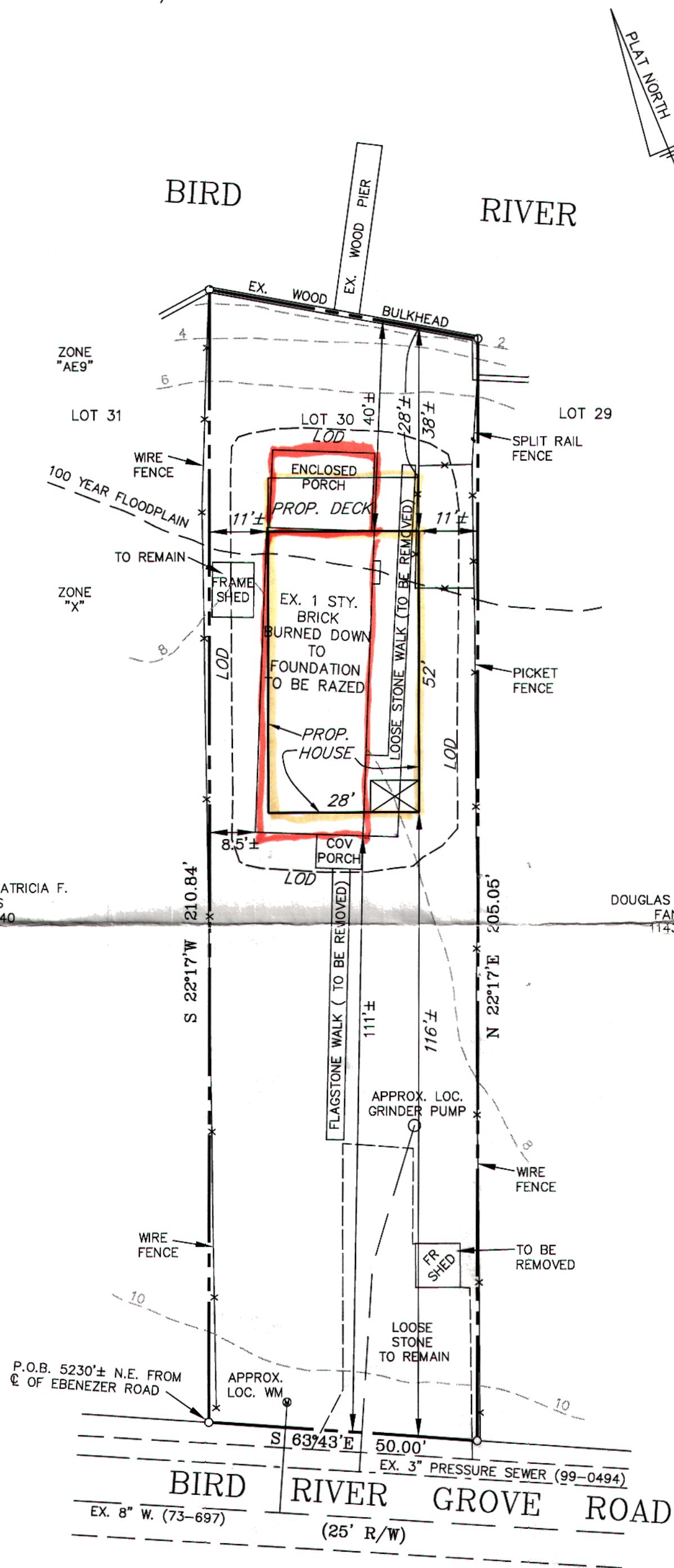
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS - #11212 BIRD RIVER GROVE ROAD

SUBDIVISION NAME - PLAT OF SECTION A BIRD RIVER GROVE

PLAT BOOK 7, FOLIO 189, LOT 30

OWNER: VALERIE L. THURMOND
TAX NO. 15-20-200140
DEED REF. 26780/525



LOCATION MAP
SCALE: 1"=2000'

LOCATION INFORMATION

ELECTION DISTRICT 15 th
COUNCILMANIC DISTRICT 6 th
1"=200 SCALE MAP # 073A3

ZONING RC-2
LOT SIZE 0.238 ACRES 10,369 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO (LDA)
100 YEAR FLOOD PLAIN ☒ * ☐
HISTORIC PROPERTY/BUILDING ☐ ☒

ZONING HISTORY - NONE

* PARTIAL

ZONING OFFICE USE ONLY

REVIEWED BY: ITEM # CASE #

F.I.R.M. #240010 0295 F

EX. LOT COVERAGE:
HOUSE 1130 SF
SHEDS 152 SF
ENCLOSED PORCHES 331 SF
SIDEWALKS 375 SF
1988 SF = 19.17%

PROPOSED LOT COVERAGE: 1816 SF = 17.51%

ALLOWABLE LOT COVERAGE (31.25%) = 3240 SF
BASED ON 10,369 SF

I, LEONARD G. BUEHAUS, THE SURVEYOR WHOSE SEAL AND SIGNATURE IS FIXED ON THIS SURVEY PLAT EITHER PERSONALLY PREPARED THE BOUNDARY SURVEY OR WAS IN RESPONSIBLE CHARGE OVER ITS PRODUCTION AND THE SURVEYING WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 09.13.06 OF THE ANNOTATED CODE OF MARYLAND. THIS SURVEY IS FOR THE EXCLUSIVE USE OF VALERIE L. THURMOND. THERE ARE NO VISIBLE ENCROACHMENTS ACROSS PROPERTY LINES EXCEPT WHERE SHOWN.

LEONARD

LGB SUR

9432 P

BUEHAUS, REGISTERED PROPERTY LINE SURVEYOR #349

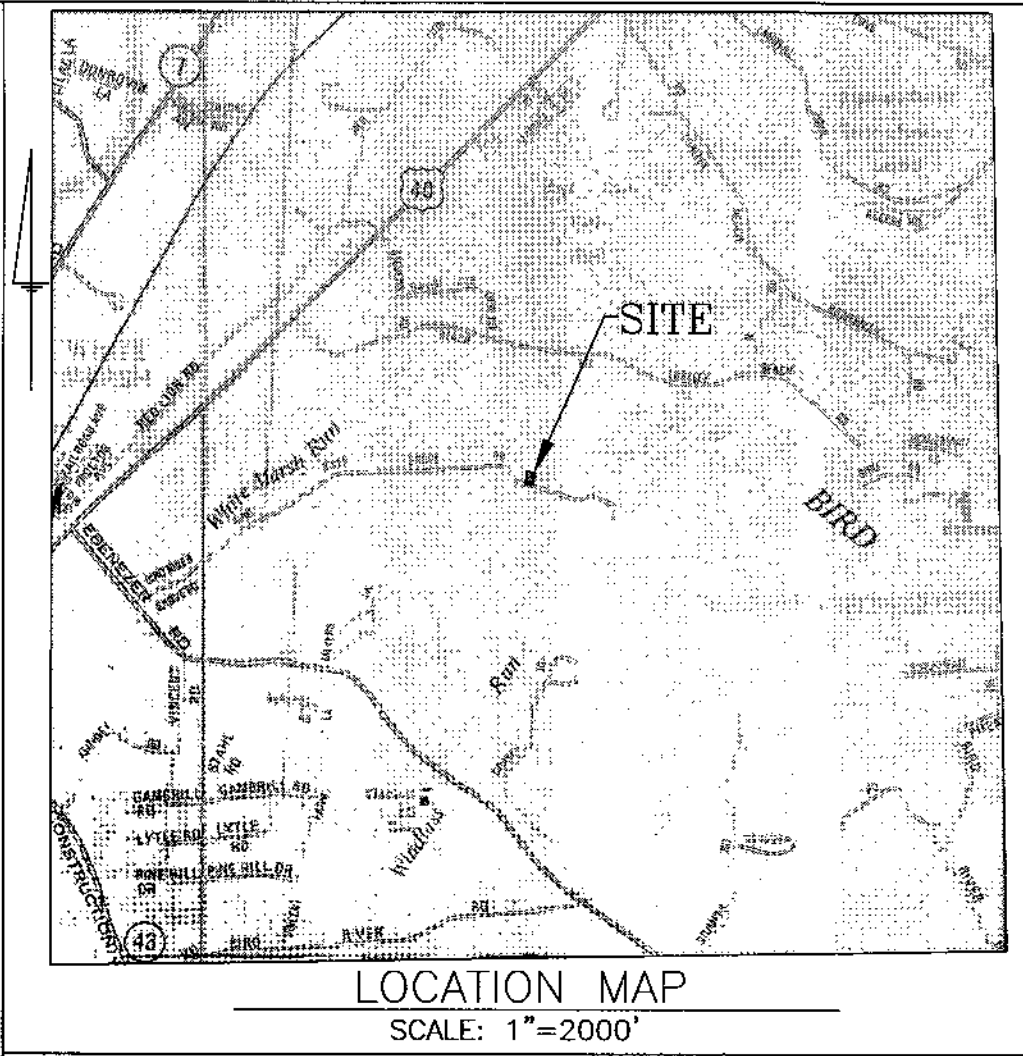
PETITIONER'S

EXHIBIT NO. 1

DATE: APRIL 21, 2009
SCALE: 1" = 20'

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS - #11212 BIRD RIVER GROVE ROAD
SUBDIVISION NAME - PLAT OF SECTION A BIRD RIVER GROVE
PLAT BOOK 7, FOLIO 189, LOT 30
OWNER: VALERIE L. THURMOND
TAX NO. 15-20-200140
DEED REF. 26780/525

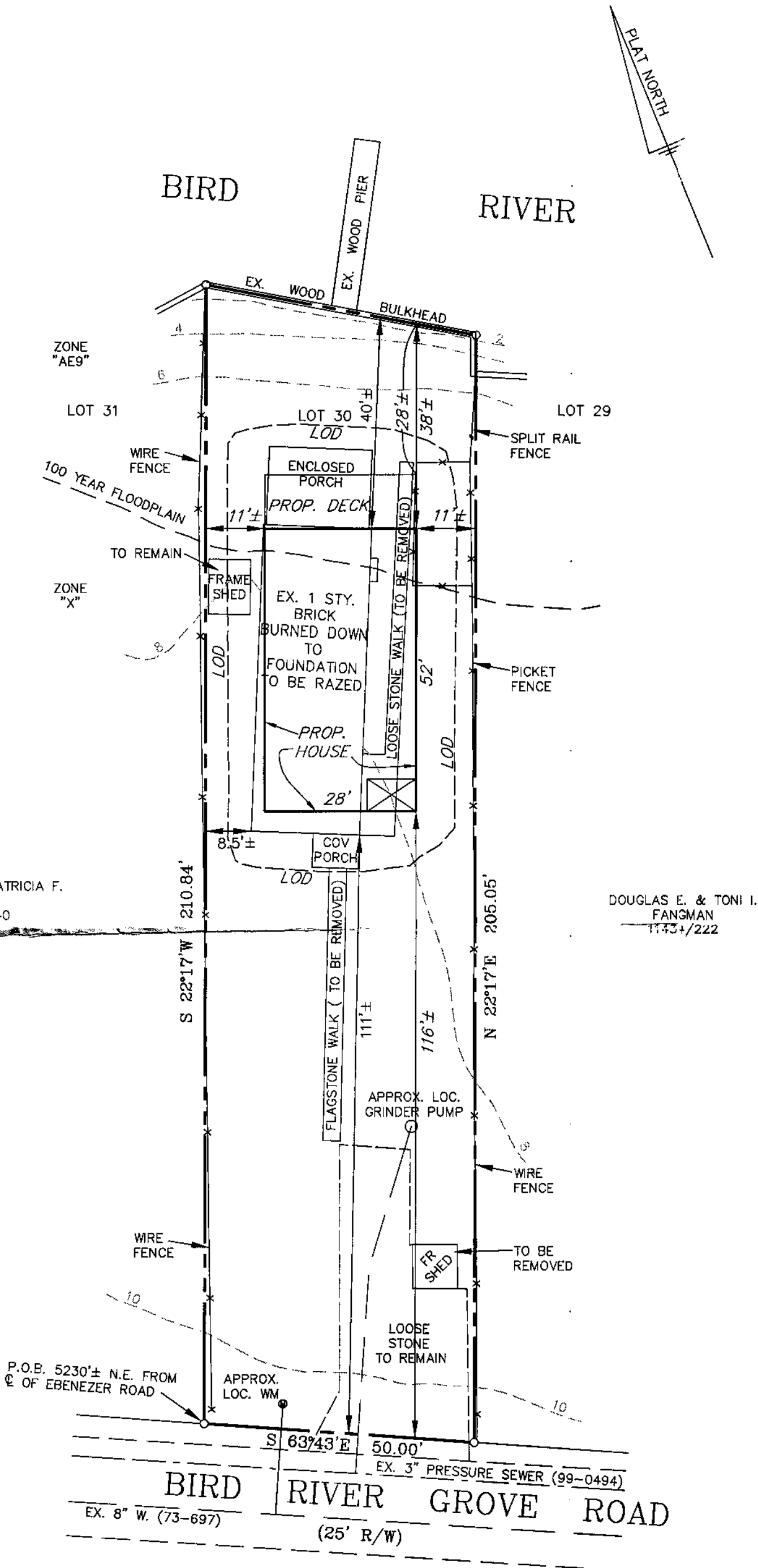


LOCATION INFORMATION

ELECTION DISTRICT 15 th
COUNCILMANIC DISTRICT 6 th
1"=200 SCALE MAP # 073A3
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LOT SIZE 0.238 ACRES 10,369 SQUARE FEET
SEWER PUBLIC ☒ PRIVATE ☐
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐ (LDA)
100 YEAR FLOOD PLAIN ☒ * ☐
HISTORIC PROPERTY/BUILDING ☐ ☒
ZONING HISTORY - NONE
* PARTIAL

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM #	CASE #



F.I.R.M. #240010 0295 F
EX. LOT COVERAGE:
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SHEDS 152 SF
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LEONARD G. BUERHAUS, REGISTERED PROPERTY LINE SURVEYOR #349

LGB SURV.
9432 BELLEYS LLC
NOTTINGHAM DRIVE
410-256-1111

DATE: APRIL 21, 2009
SCALE: 1" = 20'

AM MD. 21236
-3135