

IN RE: **PETITION FOR VARIANCE**

S/S Liberty Road, 350' NW of

Falls Run Road

(10407 Liberty Road)

2nd Election District

4th Council District

Nadine Knoche

Petitioner

*

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0315-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Nadine Knoche. The Petitioner requests variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 foot side yard setback in lieu of the required 50 feet, where the existing non-conforming setback is 19.4 feet, to permit a front yard setback of 13 feet in lieu of the required 50 feet, where the existing non-conforming setback is 25 feet, and to permit a front yard setback for an existing car port of 8 feet which is more than the 25% extension of the minimum required 50 feet pursuant to Section 301.1 of the B.C.Z.R.¹. The subject property and requested relief are more particularly shown on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing for this matter and in support of the requests were Nadine Knoche, property owner, and Arnold Jablon, Esquire, of Venable, LLP. There were no Protestants or other interested persons present.

Testimony and evidence proffered disclosed that the subject property is an irregularly

¹ The Petitioner contends that in the alternative, pursuant to Section 1A04.3.B.4 of the B.C.Z.R., no variances are necessary under these circumstances because the subject plot was recorded and approved by the Office of Planning prior to the enactment of the Zoning Regulations in 1975. However, due to lack of records from the Office of Planning at the time the plot was recorded, there is insufficient evidence to support this contention and the Zoning Commissioner is reluctant to grant approval in this regard.

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Date 7-20-09
By [Signature]

shaped lot located on the south side of Liberty Road and northwest of Falls Run Road in the Randallstown area of Baltimore County. The subject property contains a gross area of 1.92 acres, more or less, zoned R.C.5, and is improved with a single-family dwelling. Testimony also revealed that the subject dwelling was constructed in 1931 by the Petitioner's great-grandfather, a stonemason by trade, with fieldstone. As way of background, the subject property is part of a larger 70-acre tract of land purchased prior to 1930 and which serves as the 'family compound' to this day. Fifty acres of farm fields within this large tract of land is in the process of being put into the Maryland Land Preservation Trust by the family. The portion of the property to be placed into said trust is blue-lined on Petitioner's Exhibit 6. Only 20 acres of this tract is improved with dwellings and associated accessory uses. The Petitioner's aunt neighbors the subject property to the north while the Petitioner's father neighbors the subject property to the west². See Petitioner's Exhibits 2 through 6. The subject property is accessible via two driveways connected to Liberty Road; one driveway connected to Falls Run Road and is served by a private well and septic system. See Petitioner's Exhibit 6.

The Petitioner's requests for variance arises out of a desire to make additions to the north and west sides of the dwelling and to bring the existing 1931 structure and layout of the home into compliance with the B.C.Z.R. The Petitioner intends to add a bathroom and bedroom on the northern portion of the dwelling for the use of Ms. Marie Williams, the Petitioner's aunt. This addition would result in a 1-foot side yard setback in lieu of the required 50 feet. There are no plans to include a kitchen in this addition. The desired addition to the western portion of the home consists of enclosing a part of the existing carport in order to create a laundry room. This addition would result in an extension, by more than 25%, of the minimum required setback of 50

² The Petitioner's father, Rev. H. Gerard Knoche, Jr., is Bishop of Delaware-Maryland Synod of the Evangelical Lutheran Church in America (ELCA).

ORDER RECEIVED FOR FILING

Date

By

feet to 8 feet. Both of these proposed additions would be compatible with the existing aesthetics of the principal dwelling as evidenced by the architectural renderings marked as Petitioner's Exhibit 7.

Testimony was further proffered identifying the unique nature of the subject property. The principal dwelling was constructed in 1931, as evidenced by the Maryland Department of Assessments and Taxation Real Property Data Search contained within the case file, and was a property of record long before that time. Thus, the layout of the existing structure precedes the enactment of the B.C.Z.R. and was not designed with such regulations in mind. Moreover, the metes and bounds of the record plot serve as a constraint to any desired growth. It was also offered that subject property is unique because the surrounding landscape, including numerous trees and open farmland, dictates that the only appropriate locations for the additions are as proposed. Moreover, the Petitioner opines that these additions and variance requests are compatible with the spirit and intent of the B.C.Z.R.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments generally indicate no opposition or other recommendations concerning the requested relief. The Petitioner also indicated that her family, the other residents of the 'family compound,' is in favor of the proposed additions and variance requests.

Section 307.1 of the B.C.Z.R. provides the standard by which variances must be adjudged. This section enumerates that variances shall be granted only when "special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." Further, the granting of a

UNDER RECEIVED FOR FILING

Date

7-20-09

RV

variance request must be compatible with the spirit and intent of the regulations and must not be detrimental to the health, safety, or general welfare of the public.

Based upon the testimony and evidence presented, I am persuaded to grant the variances requested. In my judgment, the property is unique given the age of the record plot and primary structure. Further, the only appropriate site for the additions are as proposed on the site plan submitted into evidence as Petitioner's Exhibit 1. Moreover, strict adherence to the regulations would constitute a practical difficulty on the Petitioner in that she would be denied a reasonable use of her property. This common law right to use one's property in a manner so as to realize its highest and best use in accordance with Maryland law was discussed in *Aspen Hill Venture v. Montgomery County Council*, 265 Md. 303 (1972). The requested variances are proper for the reasons set forth above. No increase in residential density beyond that otherwise allowable by the zoning regulations will result by granting these requests. Moreover, the proposed additions will be compatible in size and design with the primary structure.

Therefore, I find that the variance requests can be granted in strict harmony with the spirit and intent of the said regulations, and in such a manner as to grant relief without injury to the public health, safety or general welfare. The granting of relief will not be out of character for the surrounding rural-residential area. Thus, I find that these variance requests can be granted as to meet the requirements of 307.1 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 the Petition held, and for the reasons given above, the requested Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this
20th day of July, 2009 that the Petition for Variance from Sections 1A04.3.B.2.b

ORDER RECEIVED FOR FILING

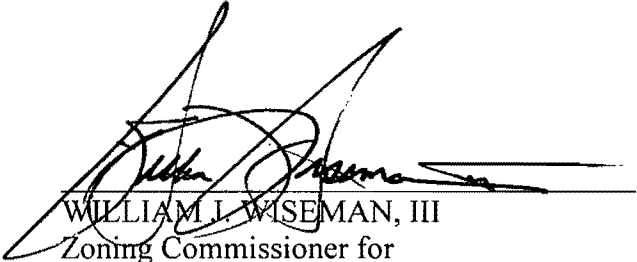
Date 7-20-09

3v

and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 foot side yard setback in lieu of the required 50 feet, a front yard setback of 13 feet in lieu of the required 50 feet, and a front yard setback of 8 feet for the existing car port, which is more than the 25% extension of the minimum required 50 feet, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following condition:

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

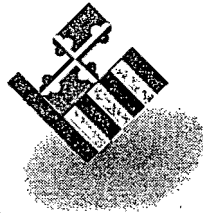
Any appeal of this decision must be made within thirty (30) days of the date hereof.



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:esl

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Date 7-20-09
3v



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 20, 2009

Arnold Jablon, Esquire
Venable, LLP
210 West Pennsylvania Avenue, Suite 500
Towson, MD 21204

RE: PETITION FOR VARIANCE

S/S Liberty Road, 350' NW of Falls Run Road
(10407 Liberty Road)
2nd Election District - 4th Council District
Nadine Knoche – Petitioner
Case No. 2009-0315-A

Dear Ms. Knoche:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, 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".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Nadine Knoche, 10407 Liberty Road, Randallstown, Maryland 21133
People's Counsel; File



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property

located at 10407 Liberty Road

which is presently zoned RC 5

Deed Reference: 12646 / 282 Tax Account # 0202651070

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)

- 1 - (1) to minimum 1' side yard setback in lieu of required 50', as required by section 1A04.3B2b (BCZR), where existing non-conforming setback is 19.4'; and
- 2 - (2) to permit minimum 13' front yard setback in lieu of required 50, as required by section 1A04.3B2b (BCZR), where existing non-conforming setback is 25'; and
- (3) to permit minimum 8' setback in front yard for existing car port, which is more than the 25% extension of the minimum required 50', as required by section 301.1, BCZR; or, in alternative;
- (4) to confirm that no variances are required pursuant to section 1A04.3B2c4 BCZR).

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

to be determined at hearing

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:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave 410 494 6298

Address

Telephone No.

Towson, Md 21204

City

State

Zip Code

Legal Owner(s):

Nadine Knoche

Name - Type or Print

Signature

Name - Type or Print

Signature

10407 Liberty Road

Address

Telephone No.

Randallstown, Maryland 21133

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. 2009-0315-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 6/4/09

REV 8/20/07

RECEIVED FOR FILING

Date 7-20-09

By LSW

DROP-OFF

ZONING DESCRIPTION

BEGINNING for the same at a point in the first line of the first parcel of the land which by Deed dated December 31, 1940, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1139, folio 388, was conveyed by John K. Ruff and wife to Helen A. Ruff, said point being located 966.30 feet measured reversely along said first line from a stone standing at the end thereof, and running thence and binding reversely on a part of said line, which is also a part of the first line of the land which by Deed dated May 10, 1916, and recorded among the aforesaid Land Records in Liber W.P.C. No. 461, folio 283, was conveyed by Eugenia Bower to J. Garfield-Herrera and wife, North 28 degrees 58 minutes 20 seconds East 191.74 feet, thence leaving said line and running for lines of division North 55 degrees 37 minutes 40 seconds West 293.59 feet to a cross-cut in a concrete driveway, thence binding on the center line of said driveway with the use thereof in common the three following courses and distances: South 30 degrees 09 minutes 10 seconds West 115.23 feet, South 9 degrees 48 minutes 10 seconds West 37.08 feet, and South 11 degrees 57 minutes 50 seconds East 37.08 feet to a point in an existing macadam driveway, and thence binding on the center line thereof with the use thereof in common South 51 degrees 58 minutes 40 seconds East 261.45 feet to the place of beginning. Containing 1.2113 acres more or less. The improvements thereon being known as No. 10407 Liberty Road.

The property is known as 10407 Liberty Road

Containing 1.2 ac, more or less.

Note: the above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.

2009-0315-A

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

No. 41519

Date: 6/4/09

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					65.00

Total: 65.00

Rec From: ARNOLD JARLOL

For: 2009-0315-A
10407 LIBERTY RD.

D. THOMPSON

DISTRIBUTION

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

PAID RECEIPT

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: 2009-0315-A

Petitioner/Developer: _____

Nadine Knoche

Date of Hearing/Closing July 17, 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristin Matthews,

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at, _____

10407 Liberty Road

S/Side of Liberty Road, 350 feet N. West of Falls Run Road

The sign(s) were posted on _____ July 2, 2009
(Month, Day, Year)

Sincerely,

Robert Black

(Signature of Sign Poster)

July 7 2009
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE: 2009-0315-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104, JEFFERSON BUILDING
105 W CHESAPEAKE AVE TOWSON 21204

PLACE

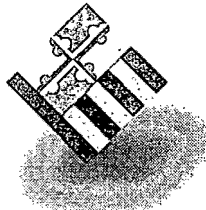
DATE AND TIME FRIDAY, JULY 17, 2009 AT 9:00 AM

REQUEST: VARIANCE TO PERMIT MINIMUM 1 FOOT SIDE YARD

SETBACK IN LIEU OF THE REQUIRED 50 FEET WHERE EXISTING
NON-CONFORMING SETBACK IS 19.4 FEET, AND TO PERMIT MINIMUM
13 FEET FRONT YARD SETBACK IN LIEU OF THE REQUIRED
50 FEET WHERE EXISTING NON-CONFORMING SETBACK IS 25 FEET, TO
PERMIT A MINIMUM 8 FEET SETBACK IN FRONT YARD FOR BUSTLING
CAR PORT IN LIEU OF REQUIRED 37.5 FEET. TO CONFIRM THAT NO
VARIANCES ARE REQUIRED.

TO CONFIRM HEARING CALL 867-2351

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 1, 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: 2009-0315-A

10407 Liberty Road
S/side of Liberty Road, 350 feet n/west of Falls Run Road
2nd Election District – 4th Councilmanic District
Legal Owners: Nadine Knoche

Variance to permit minimum 1 foot side yard setback in lieu of the required 50 feet where existing non-conforming setback is 19.4 feet; and to permit minimum 13 feet front yard setback in lieu of required 50 feet where existing non-conforming setback is 25 feet; to permit minimum 8 feet setback in front yard for existing car port in lieu of the required 37.5 feet. To confirm that no variances are required.

Hearing: Friday, July 17, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Nadine Knoche, 10407 Liberty Road, Randallstown 21133

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 2, 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, July 7, 2009 Issue - Jeffersonian

Please forward billing to:

Arnold Jablon
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6298

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: 2009-0315-A

10407 Liberty Road

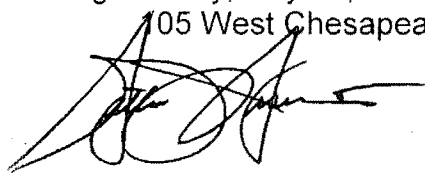
S/side of Liberty Road, 350 feet n/west of Falls Run Road

2nd Election District – 4th Councilmanic District

Legal Owners: Nadine Knoche

Variance to permit minimum 1 foot side yard setback in lieu of the required 50 feet where existing non-conforming setback is 19.4 feet; and to permit minimum 13 feet front yard setback in lieu of required 50 feet where existing non-conforming setback is 25 feet; to permit minimum 8 feet setback in front yard for existing car port in lieu of the required 37.5 feet. To confirm that no variances are required.

Hearing: Friday, July 17, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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: 2009-0315-A

Petitioner: KNOCHE

Address or Location: 10407 LIBERTY RD.

PLEASE FORWARD ADVERTISING BILL TO:

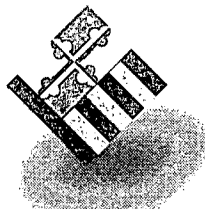
Name: ARNOLD JABLON, ESQ.

Address: VENABLE, LLP

210 ALLEGHENY AVE.

TOWSON, MD 21204

Telephone Number: 410-494-6298



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

July 14, 2009

Arnold Jablon
Venable, LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2009-0315-A, 10407 Liberty Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Nadine Knoche; 10407 Liberty Rd.; Randallstown, MD 21133

BW 7/17
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 14 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: July 13, 2009
SUBJECT: Zoning Item # 09-315-A
Address 10407 Liberty Road
(Knoche Property)

Zoning Advisory Committee Meeting of June 15, 2009

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

Reviewer: JWL

Date: 7/13/09

BLS 7/17 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 6, 2009

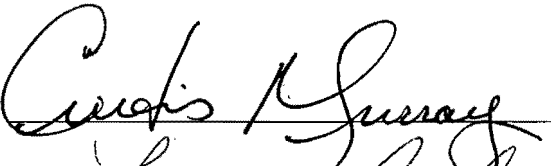
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-315- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:

CM/LL



RECEIVED

JUL 09 2009

ZONING COMMISSIONER



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

June 4, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 22.2009

Item Numbers 299,0315,0316,0317,0318,0319,0320

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 22, 2009
Item Nos. 2009-299, 315, 316,
317, and 318, 319

DATE: June 17, 2009

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

DAK:CEN:dak
cc: File
ZAC-06172009 -NO COMMENTS

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



Beverley K. Swaim-Staley, *Acting Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: June 17, 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. 2009-0315-A
MD 26 (Liberty Road)
10407 Liberty Road
Knoche Property
Variance -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on June 17th. A field inspection and internal review reveals that the existing entrance onto MD 26 (Liberty Road) is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 10407 Liberty Road, Case Number 2009-0315-A approval.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael P. DeJong", is written over the typed name of Steven D. Foster.

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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

RE: PETITION FOR VARIANCE
10407 Liberty Road; S/S Liberty Road,
350' NW of Falls Run Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Nadine Knoche
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-315-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
JUN 29 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that I, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be my attorney-in-fact and attorney-at-law and on my behalf file the attached petition for zoning relief. I hereby understand that the relief requested is for property I own and I hereby and herewith acknowledge my express permission for said petitions to be filed on my behalf. The petition(s) filed are for property located at 10407 Liberty Road, property I own.

Nadine Knoche

5-14-09 (Date)

Nadine Knoche
10407 Liberty Road, Randallstown, Maryland 21133
address

09-315-A

CASE NAME Knoche
CASE NUMBER 2009-0315-A
DATE 7-17-09

[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 - 02 **Account Number -** 0202651070

Owner Information

Owner Name:	KNOCHE NADINE	Use:	RESIDENTIAL
Mailing Address:	10407 LIBERTY RD RANDALLSTOWN MD 21133-1210	Principal Residence:	YES
		Deed Reference:	1) /12646/ 282 2)

Location & Structure Information

Premises Address	Legal Description
10407 LIBERTY RD	1.292 AC NWS 30 FT R 10407 LIBERTY RD 30 RD TO FALLS RUN R

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
66	21	215						1	Plat Ref:

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1931	2,021 SF	1.29 AC	04
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	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	48,950	112,580		
Improvements:	111,440	172,720		
Total:	160,390	285,300	243,662	285,300
Preferential Land:	0	0	0	0

Transfer Information

Seller: BRUSH MARY R	Date: 02/04/1998	Price: \$125,000
Type: NOT ARMS-LENGTH	Deed1: /12646/ 282	Deed2:
Seller: BROADVIEW ESTATE S INC	Date: 10/05/1956	Price: \$2,500
Type: UNKNOWN	Deed1:	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:

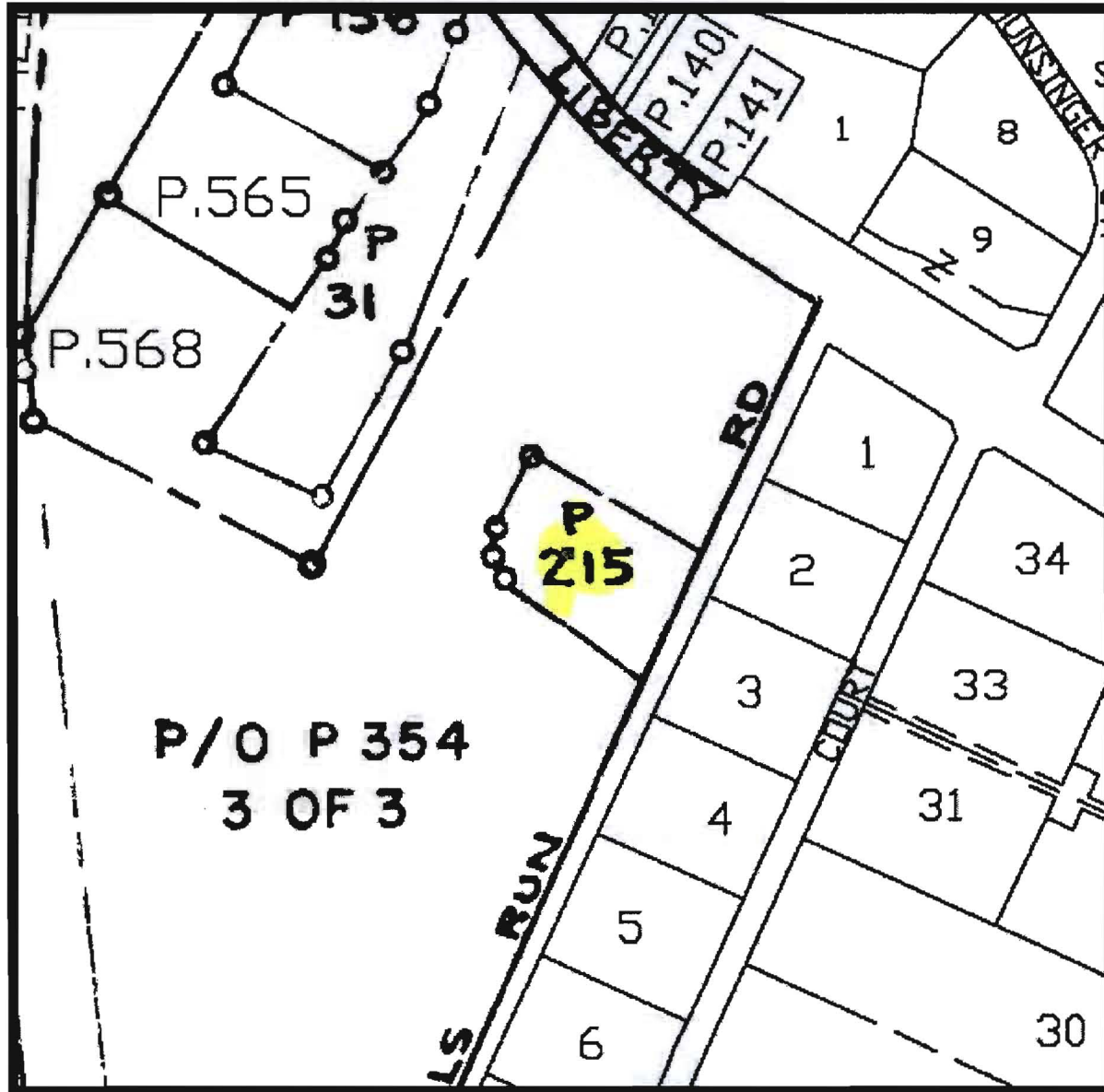
Special Tax Recapture:
 * NONE *



**Maryland Department of Assessments
and Taxation
BALTIMORE COUNTY
Real Property Data Search**

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[New](#)
[Search](#)**

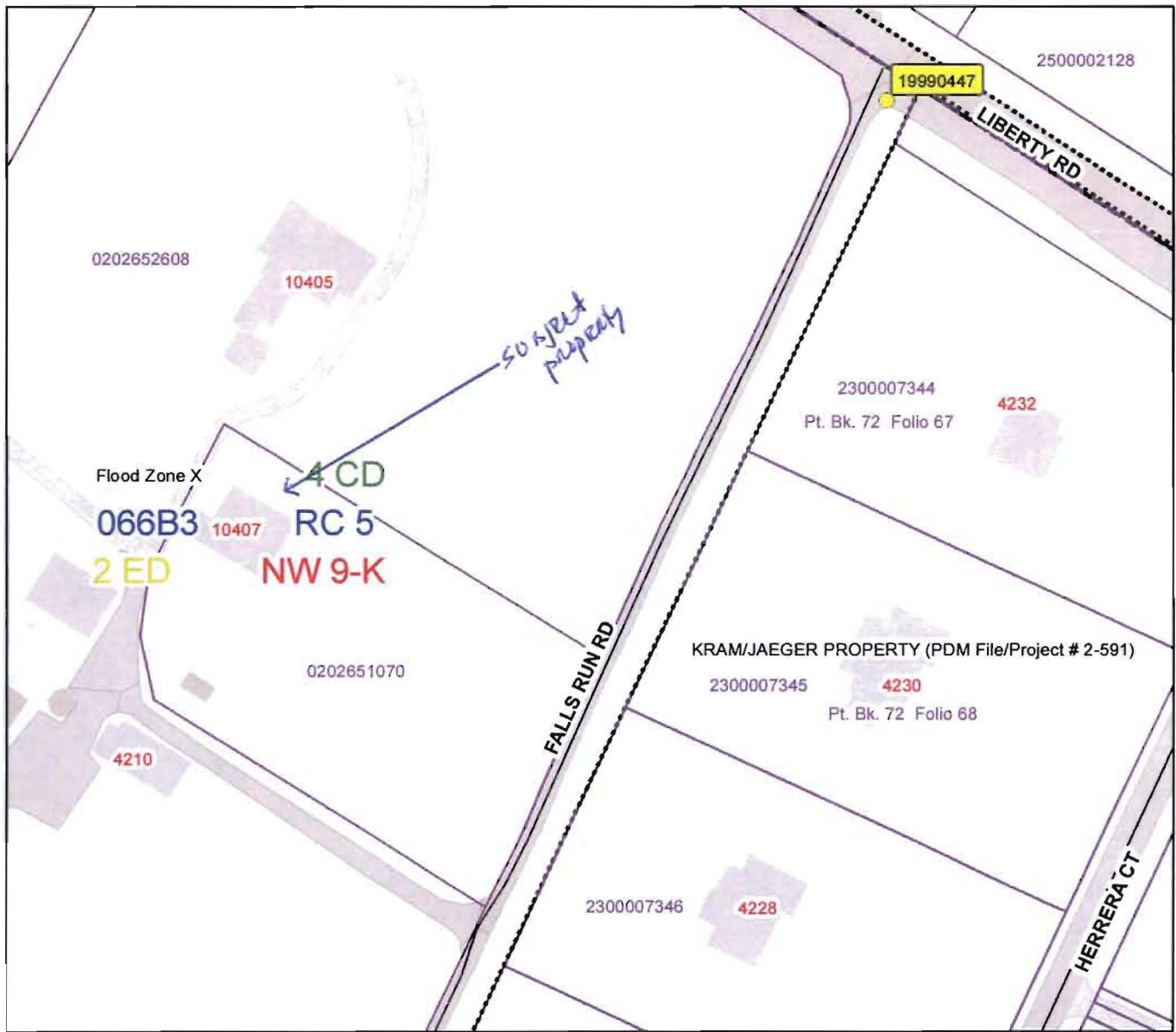
District - 02 Account Number - 0202651070



Property maps provided courtesy of the Maryland Department of Planning
©2008.

For more information on electronic mapping applications, visit the Maryland
Department of Planning web site at www.mdp.state.md.us/webcom/index.html

10407 Liberty Road

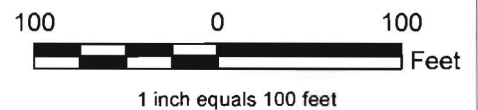


DQ Map Notes



Publication Date: May 14, 2009
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

μ



2009-0315-A

Case No.: 2009-0315-A 10407 LIBERTY ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial of Property	
No. 3	Close-up Aerial	
No. 4	- Aerial denoting Address	
No. 5	Aerial of neighborhood	
No. 6	of Broadview	
No. 7	Building Elevations	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Baltimore County - My Neighborhood



PETITIONER'S EXHIBIT 2

Baltimore County - My Neighborhood



PETITIONER'S EXHIBIT 3

Baltimore County - My Neighborhood



PETITIONER'S EXHIBIT 4

Baltimore County - My Neighborhood

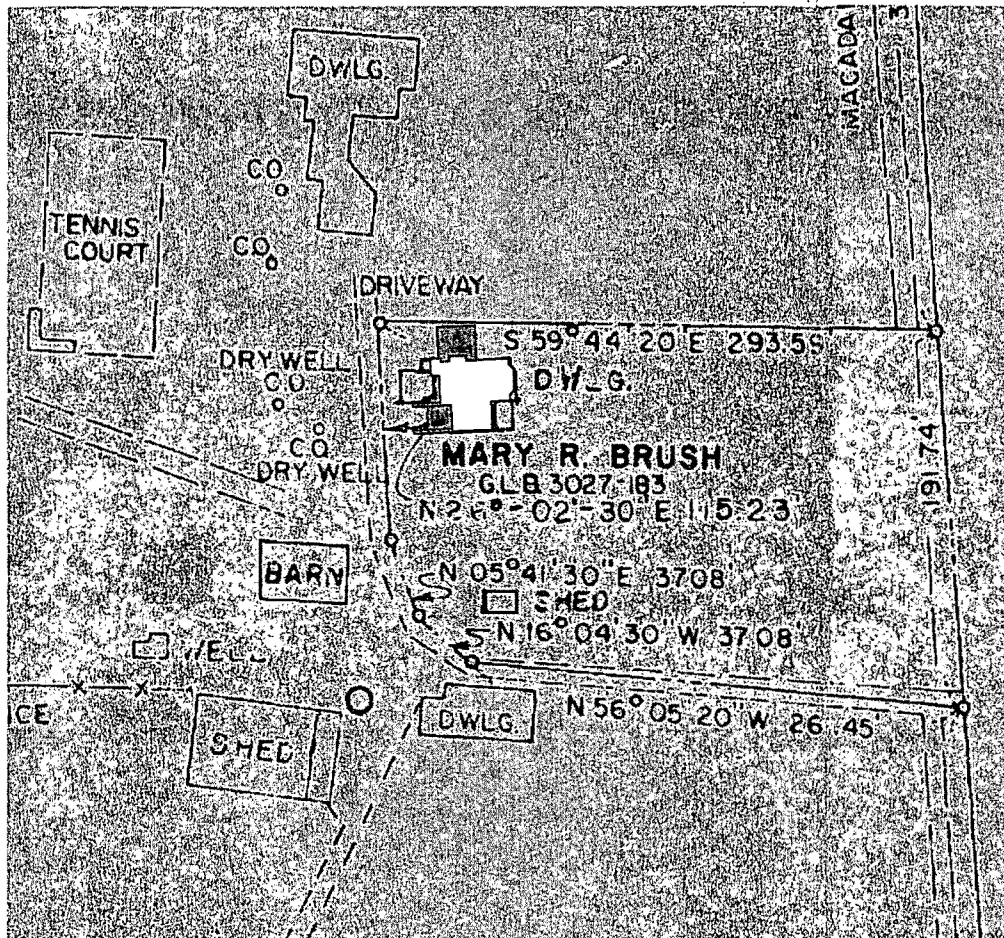


PETITIONER'S EXHIBIT 5

Baltimore County - My Neighborhood



PETITIONER'S EXHIBIT 6

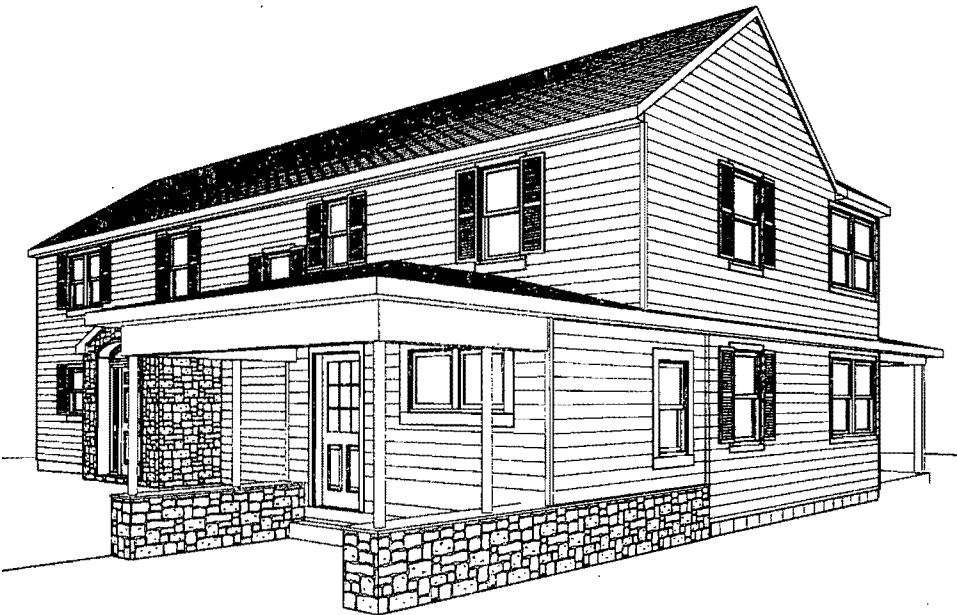


Site Plan (For Reference Only)

1" = 50'



View from Northwest



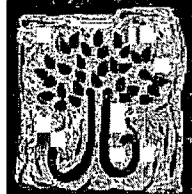
View from Southwest

DRAWING INDEX	
A0	General Notes & Views
A1	First Floor Plan
A2	Foundation, Second Floor, & Roof Plans
A3	First and Second Floor Demo Plans
A4	Elevations
A5	Kitchen Plan and Elevations
A6	Building Sections
S1	First and Second Floor Framing Plans
S2	Roof Framing Plan and Notes

GENERAL NOTES	
A	Do not scale drawings to determine dimensions.
B	All dimensions of existing construction shall be field verified before preparing material or beginning work.
C	Any inconsistencies found between drawings and existing conditions or between the drawings themselves shall be reported to the Architect. Do not perform any work affected in any manner by the inconsistencies until the architect has clarified the information. Any work done will be solely at the contractor's risk and expense. The architect will resolve the inconsistencies in a timely manner.
D	Dimensions are to the finish face and centerline of windows or columns.
E	All proposed substitutions are to be reviewed by Owner and Architect.
F	Foundation to comply with Baltimore County Radon gas mitigation requirements.
G	Drawings at larger scale take precedence over drawings of a smaller scale. Notify architect of any inconsistencies that may be found in the drawings.
H	Provide min. R-19 insulation in walls and R-30 at ceilings and floors, unless otherwise noted on drawings.
I	The Contractor shall arrange for the proper discontinuance and/or relocation of all public utilities when required, including sewer, water, gas, electric, and telephone lines.
J	All construction, mechanical, electrical, and plumbing to conform to all applicable local, state, and national codes.
K	The structure shall be adequately braced and shored during demolition and new construction.
L	Contractor to protect all landscaping, paving and other site conditions from damage. All finished landscaping by owner. Grading and drainage by contractor.
M	Project site is to be maintained free and clear of all debris, and kept in a safe and non-hazardous manner. Minimize construction and demolition waste in all phases of construction and daily operation of the project.
N	Contractor to complete all work in accordance with the drawings. At end of job, contractor to clean all finished surfaces and leave job in an orderly and neat fashion, capable of being used for its intended purpose. One year warranty shall begin at substantial completion of the work, as determined by the architect. Provide all keys, equipment operating instructions, record drawings, etc. to the owner.
O	Minimize job site waste. Salvage or recycle as much as possible.

ABBREVIATIONS	
A.F.T.	Above Finish Floor
A.D.J.	Adjustable
ARCH	Architectural
BLK	Blocking
C.L.	Center Line
CLG	Ceiling
CONT	Continuous
CONST	Construction
DIM	Dimension
EA	Each
ELEC	Electric(al)
EQ	Equal
EXIST	Existing
EXT	Exterior
FIN	Finish
G.W.B.	Gypsum Wall Board
H.B.	Exterior Hose Bib
INSUL	Insulation/insulating
INST	Installation
MAX	Maximum
MIN	Minimum
MFR	Manufacturer
MID	Mounted
MTL	Metal
NEC	Necessary
NO	Number
N.T.S.	Not To Scale
OC	On Center
PR	Pair
PTD	Painted
P.T.W.	Pressure Treated Wood
REQ	Required
RM	Room
S.S.	Stainless Steel
SQ	Square
STD	Standard
STRUCT	Structural
T.M.E.	To Match Existing
TYP	Typical
U.O.N.	Unless Otherwise Noted
V.I.F.	Verify In Field
W/	With
WD	Wood

DEMOLITION GENERAL NOTES	
A	Provide required temporary structural support prior to demolition of work at critical locations. Refer Structural Drawings.
B	All items specified for salvage and reuse shall be kept on site and protected from damage. Donate salvaged unused materials to low income housing projects, theater groups, salvage yards (Second Chance), etc., or recycle waste materials.
C	Remove all debris from demolition from site on a regular basis and dispose of according to local requirements.
D	Owner to remove and relocate shrubs that they wish to reuse.
E	Provide proper temporary waterprooing and security following exterior wall/roof demolition work.
F	Remove all miscellaneous protrusions in walls, floors, ceilings, windows and doors including, but not limited to nails, rocks, wires, doorbells, etc.
G	Remove all electrical fixtures as necessary.



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THE KNOCHE RESIDENCE
10407 LIBERTY ROAD
RANDALLSTOWN, MD 21133

Permit Set

Date:
06/18/2009

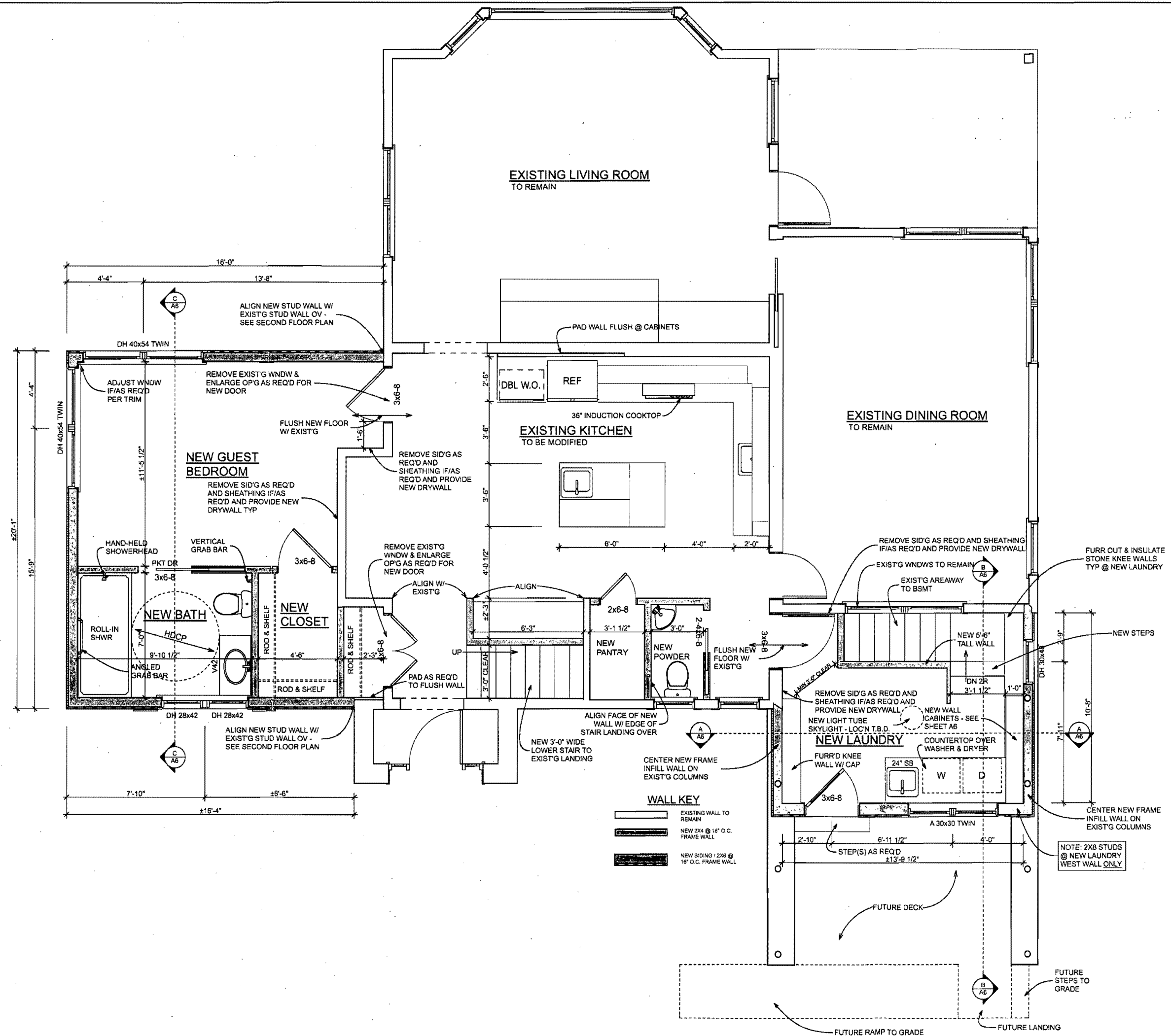
General
Notes &
Views

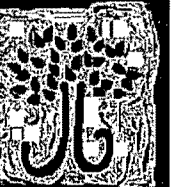
A0

PETITIONER'S EXHIBIT 7



A1


$$\underline{3/8'' = 1'-0''}$$



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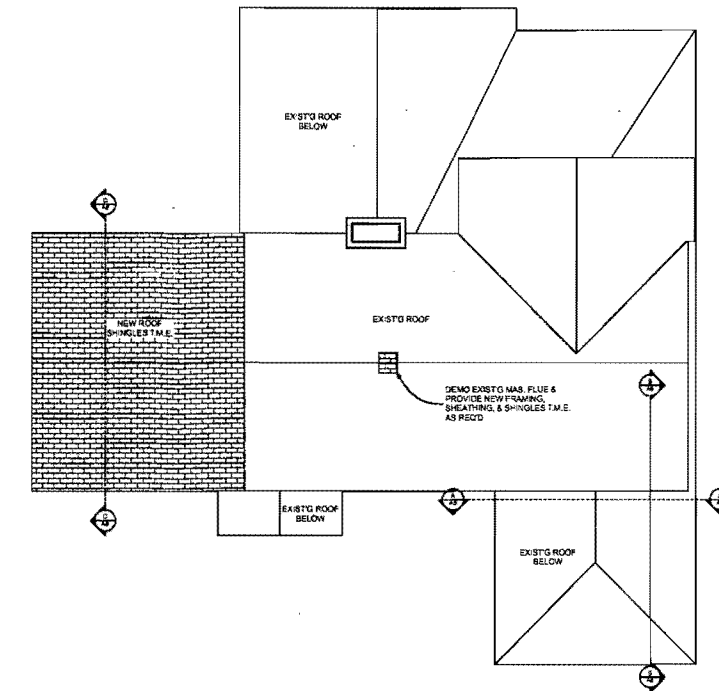
THE KNOCHE RESIDENCE
10407 LIBERTY ROAD
RANDALLSTOWN, MD 21133

Permit Set

Date:
06/18/2009

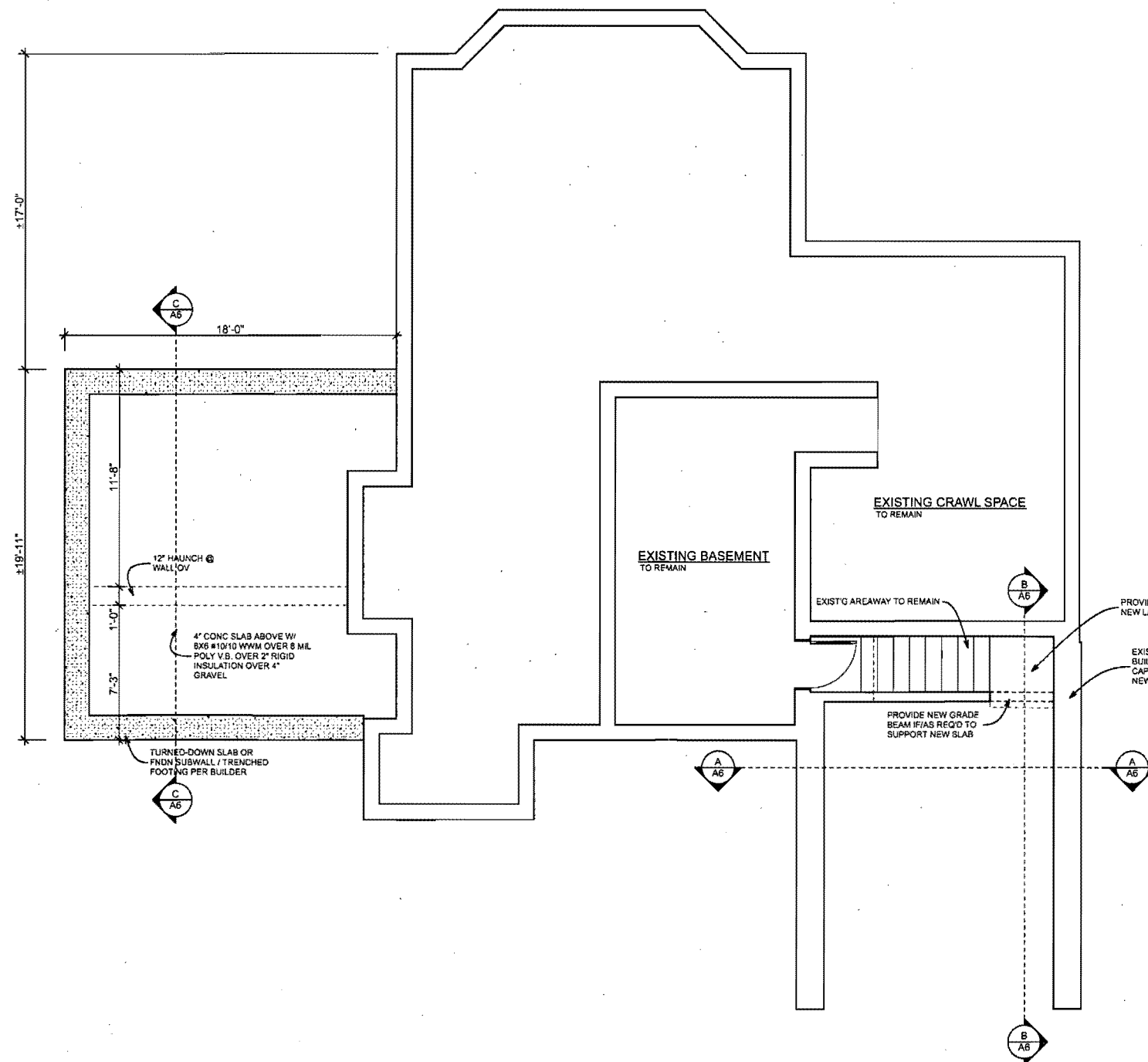
**Foundation,
Second Floor,
& Roof Plans**

A2



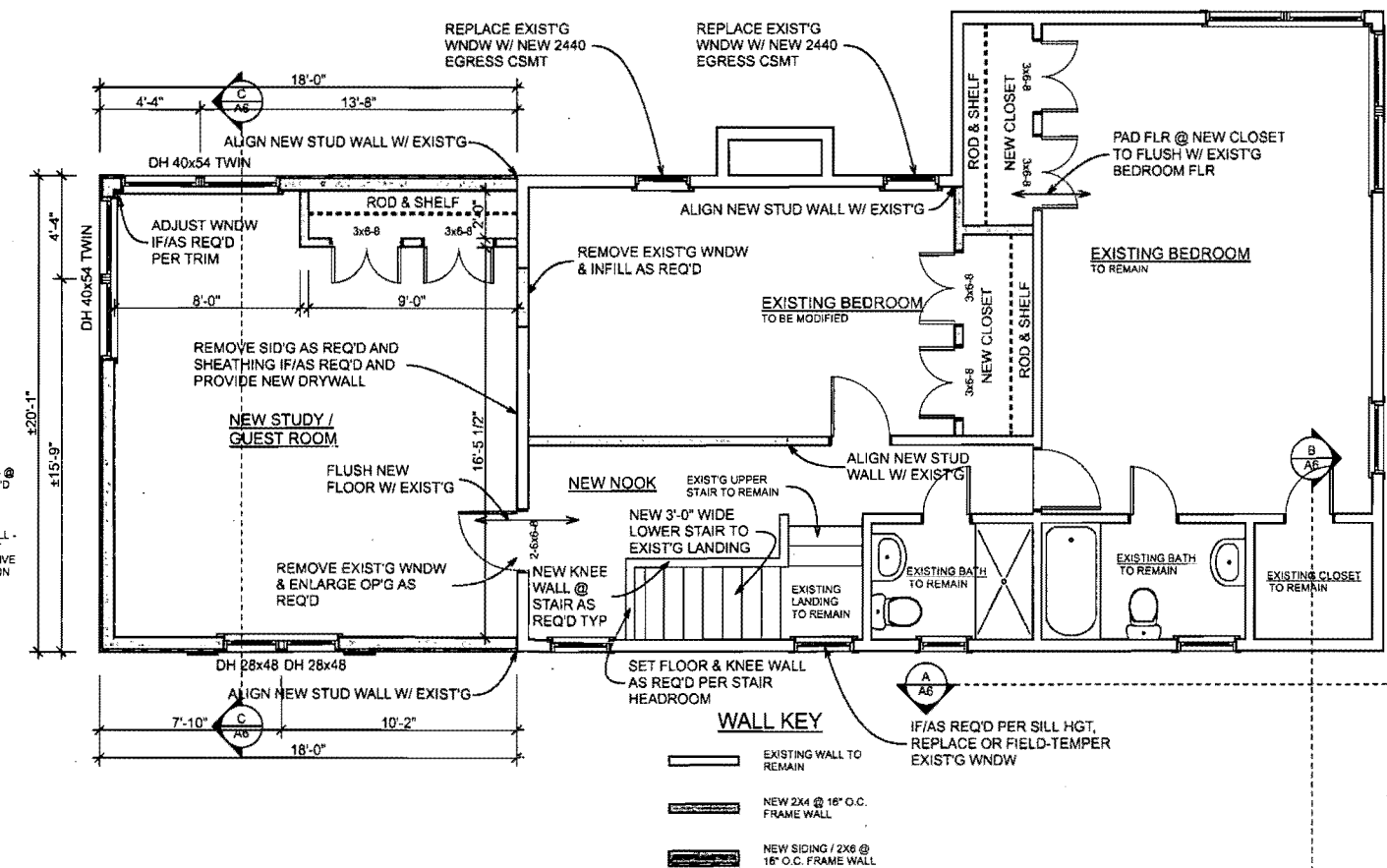
Roof Plan

1/8" = 1'-0"



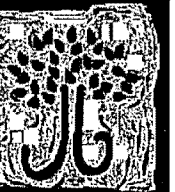
Foundation Plan

1/4" = 1'-0"



Second Floor Plan

1/4" = 1'-0"



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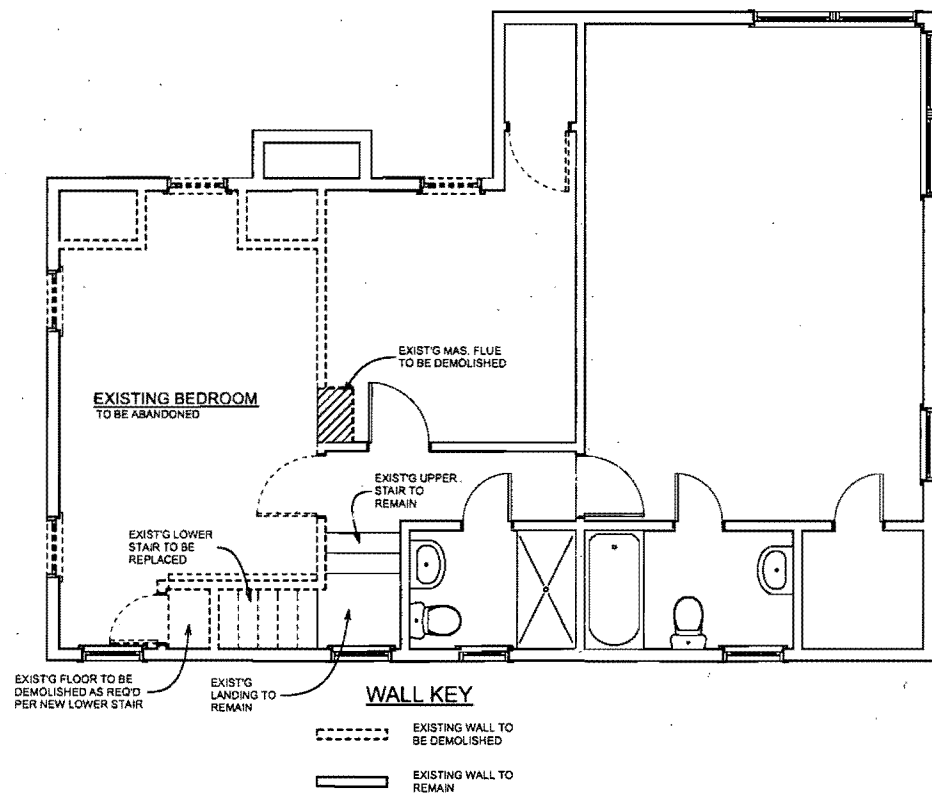
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RANDALLSTOWN, MD 21133

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06/18/2009

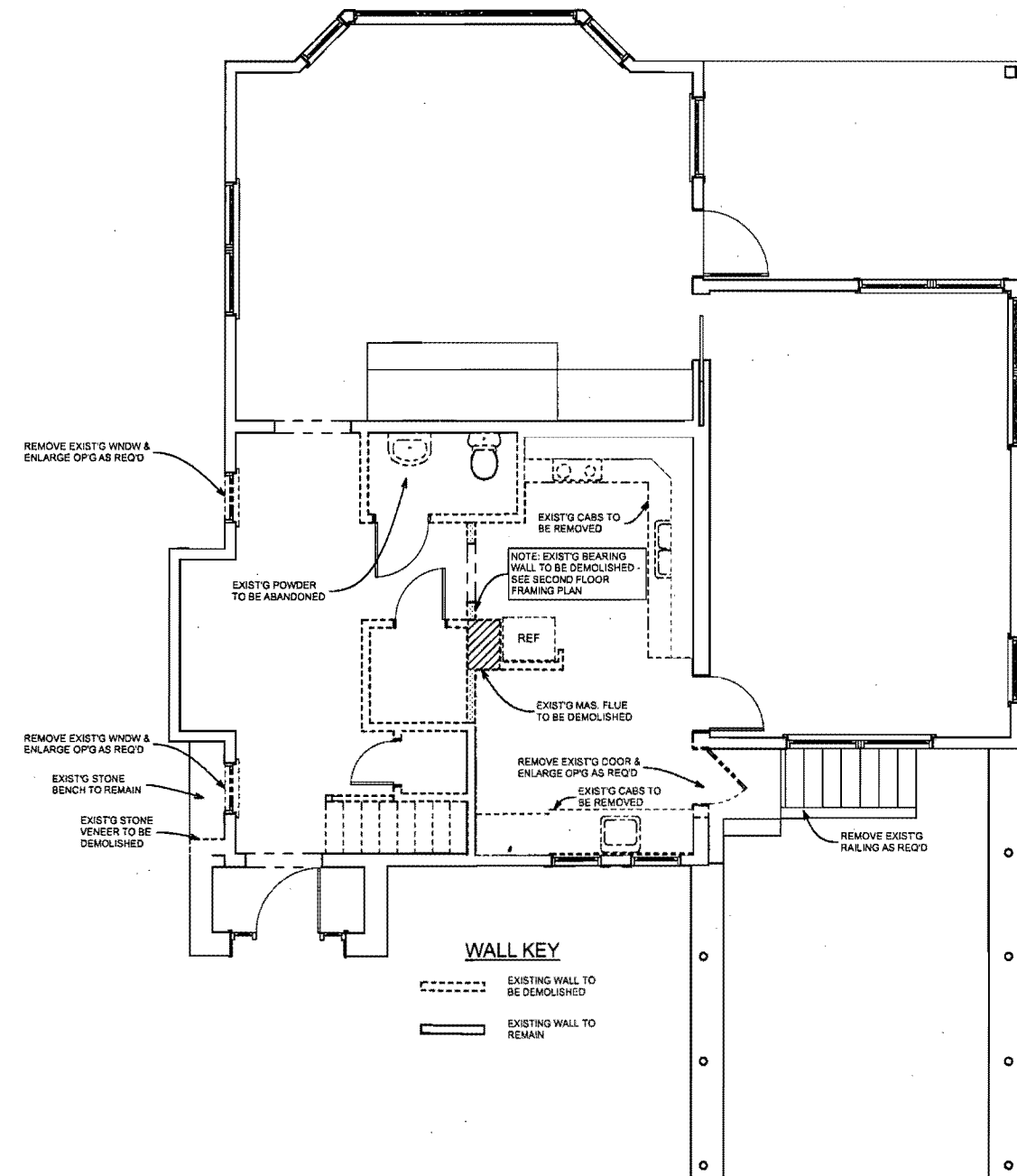
**First and
Second Floor
Demo Plans**

A3



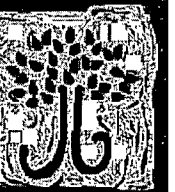
Second Floor Demo Plan

1/4" = 1'-0"

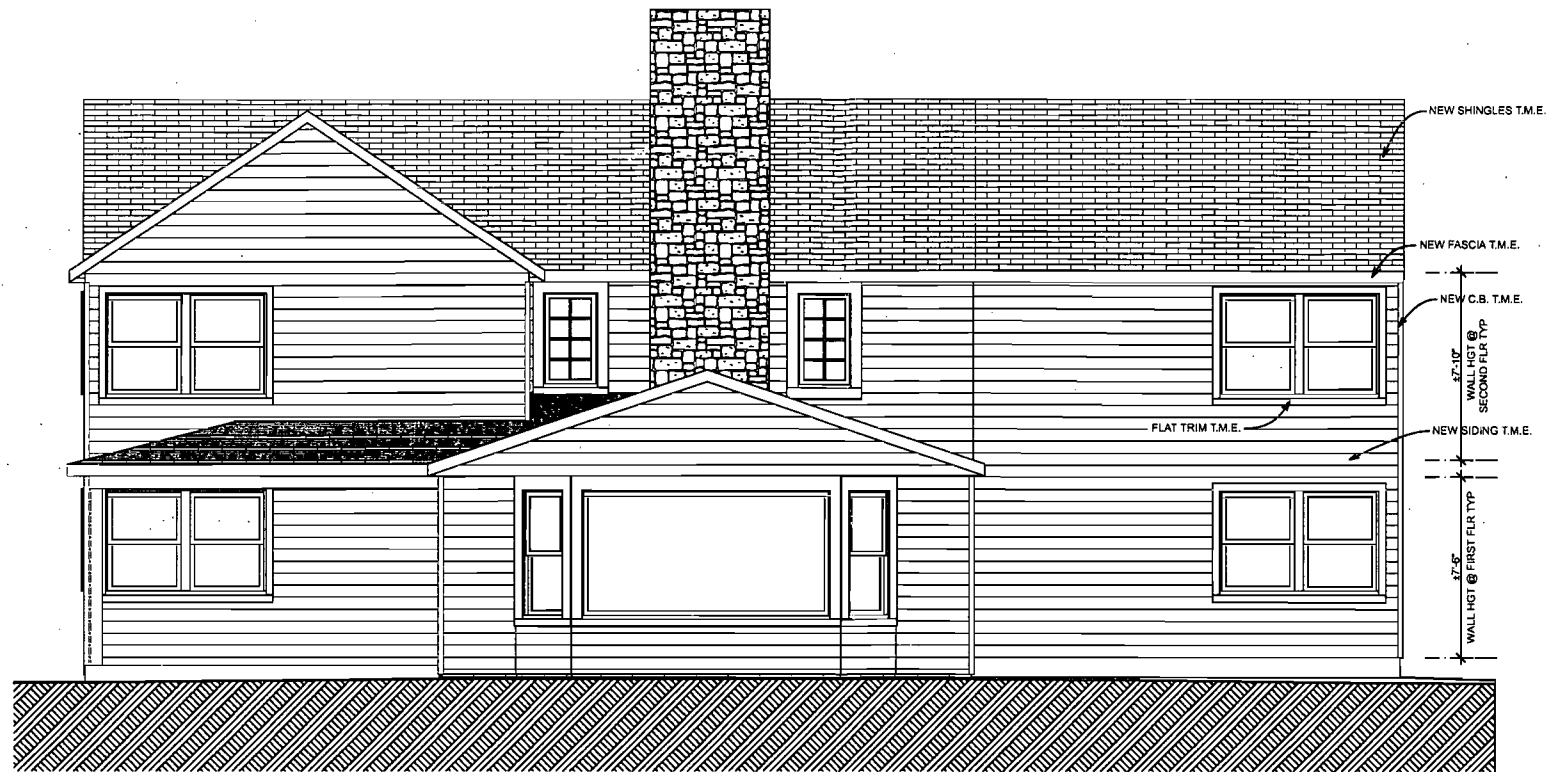


First Floor Demo Plan

1/4" = 1'-0"

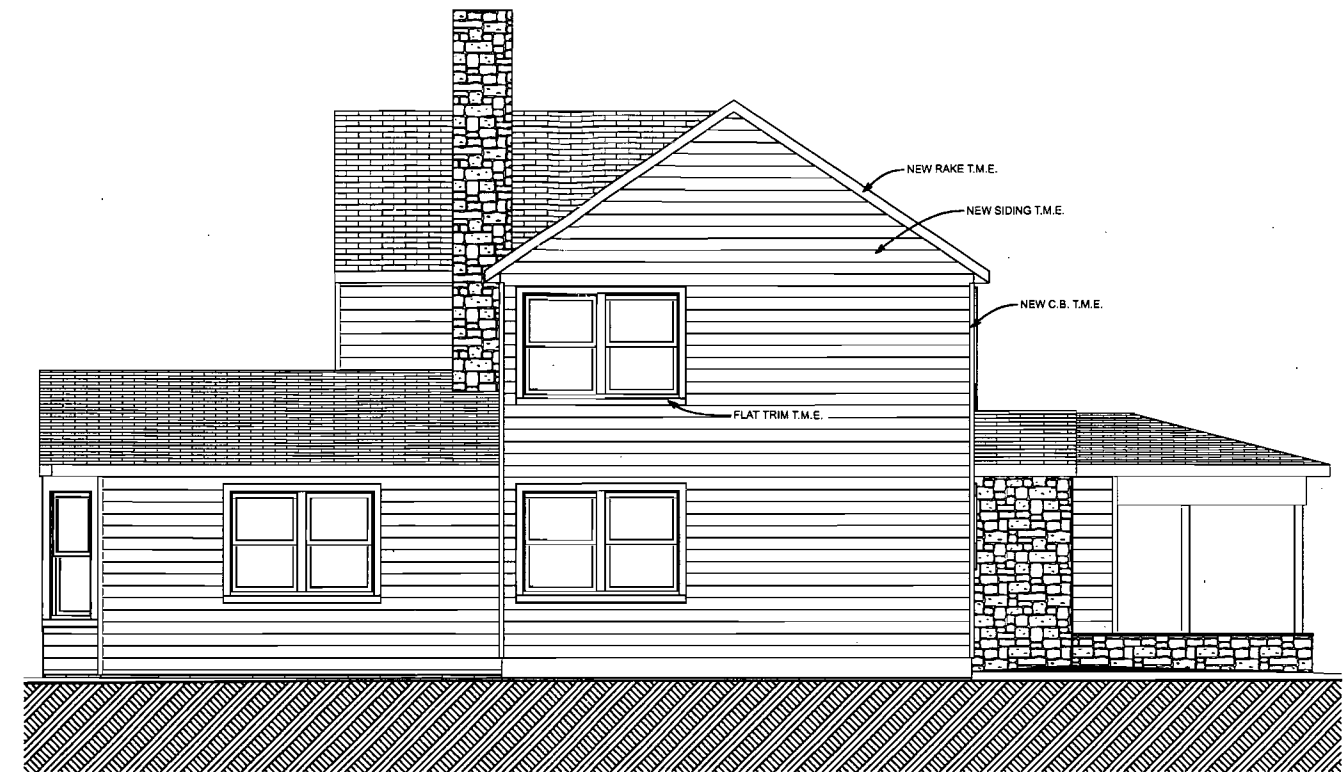


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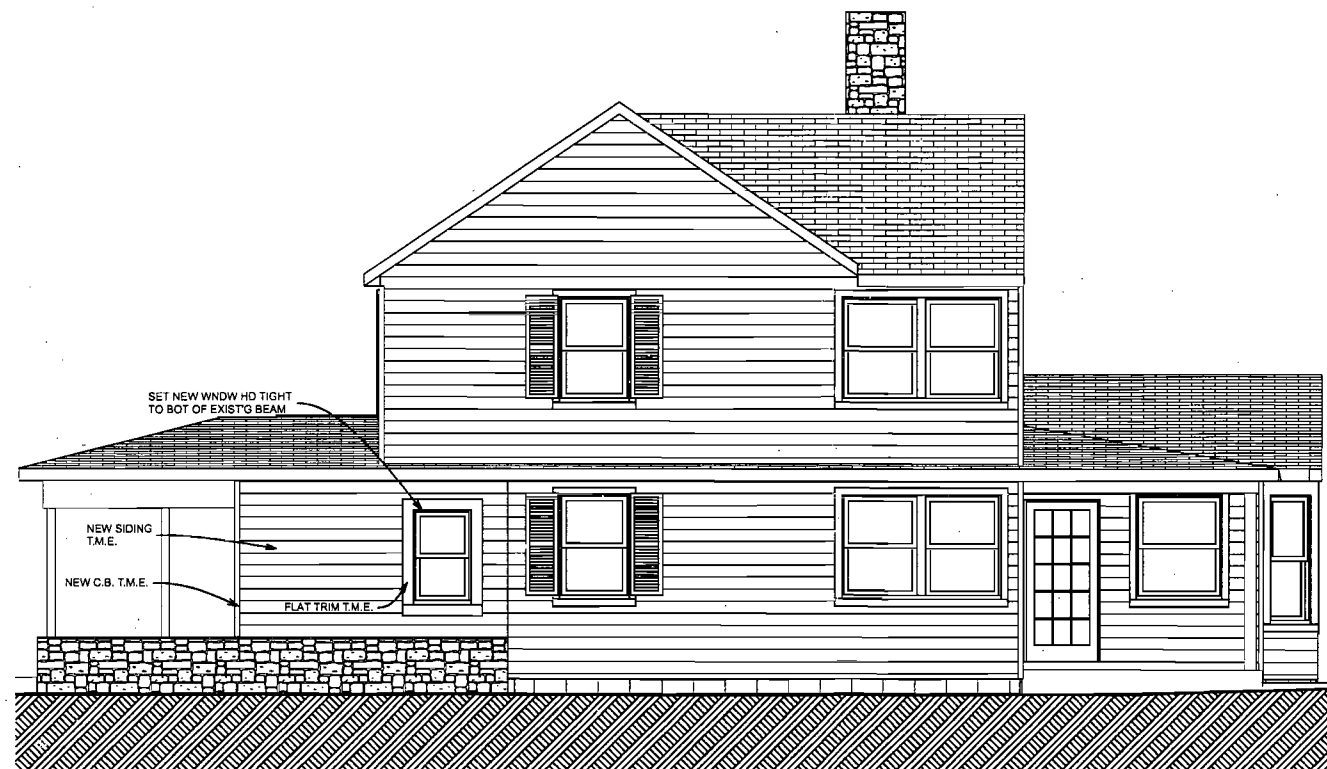
East Elevation

1/4" = 1'-0"



North Elevation

1/4" = 1'-0"



South Elevation

1/4" = 1'-0"



West Elevation

1/4" = 1'-0"

THE KNOCHE RESIDENCE
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RANDALLSTOWN, MD 21133

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Date:
06/18/2009

Elevations

A4



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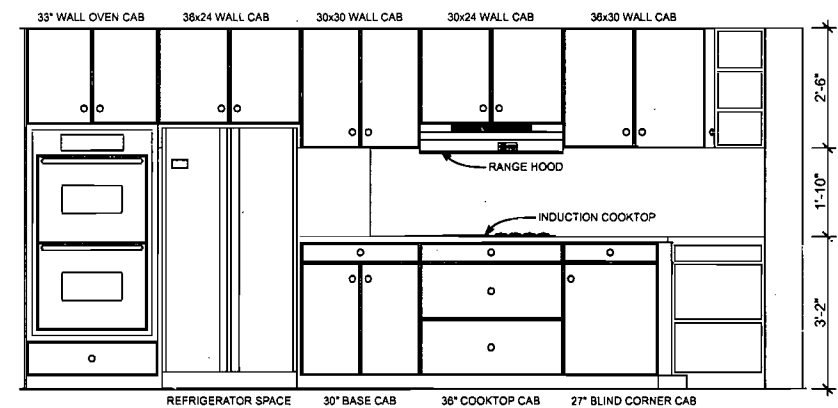
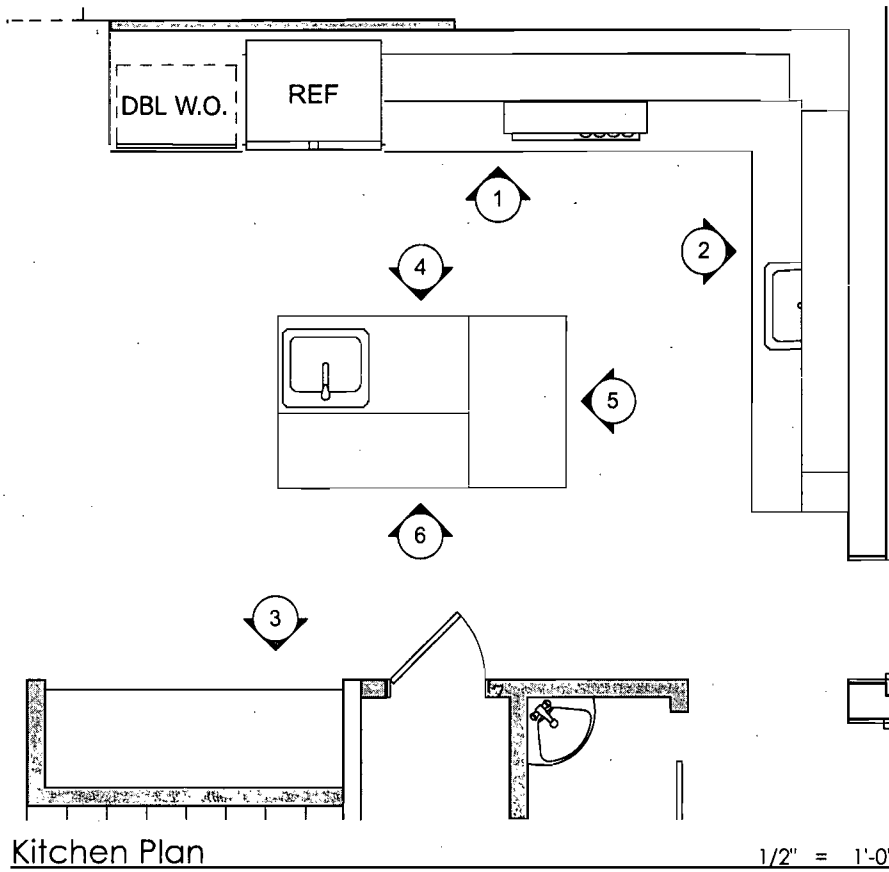
THE KNOCHE RESIDENCE
10407 LIBERTY ROAD
RANDALLSTOWN, MD 21133

Permit Set

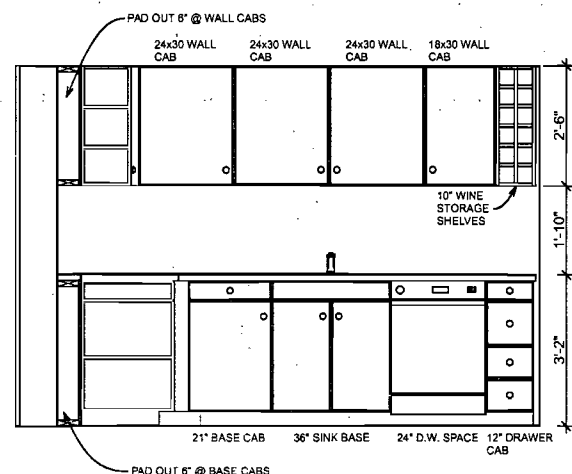
Date:
06/18/2009

**Kitchen Plan
and
Elevations**

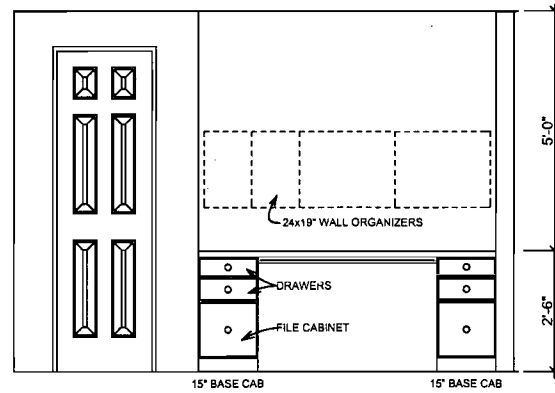
A5



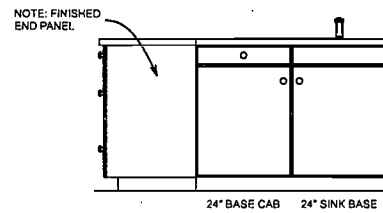
1. Cabinet Elevation Looking East 1/2" = 1'-0"



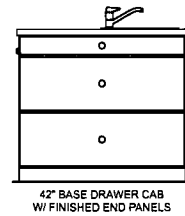
2. Cabinet Elevation Looking South 1/2" = 1'-0"



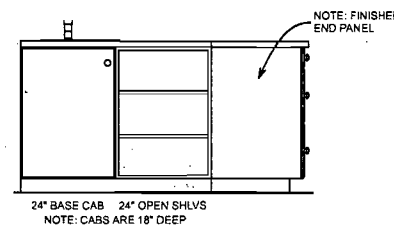
3. Cabinet Elevation Looking West 1/2" = 1'-0"



4. Island Elevation Looking West 1/2" = 1'-0"



5. Island Elevation Looking North 1/2" = 1'-0"



6. Island Elevation Looking East 1/2" = 1'-0"



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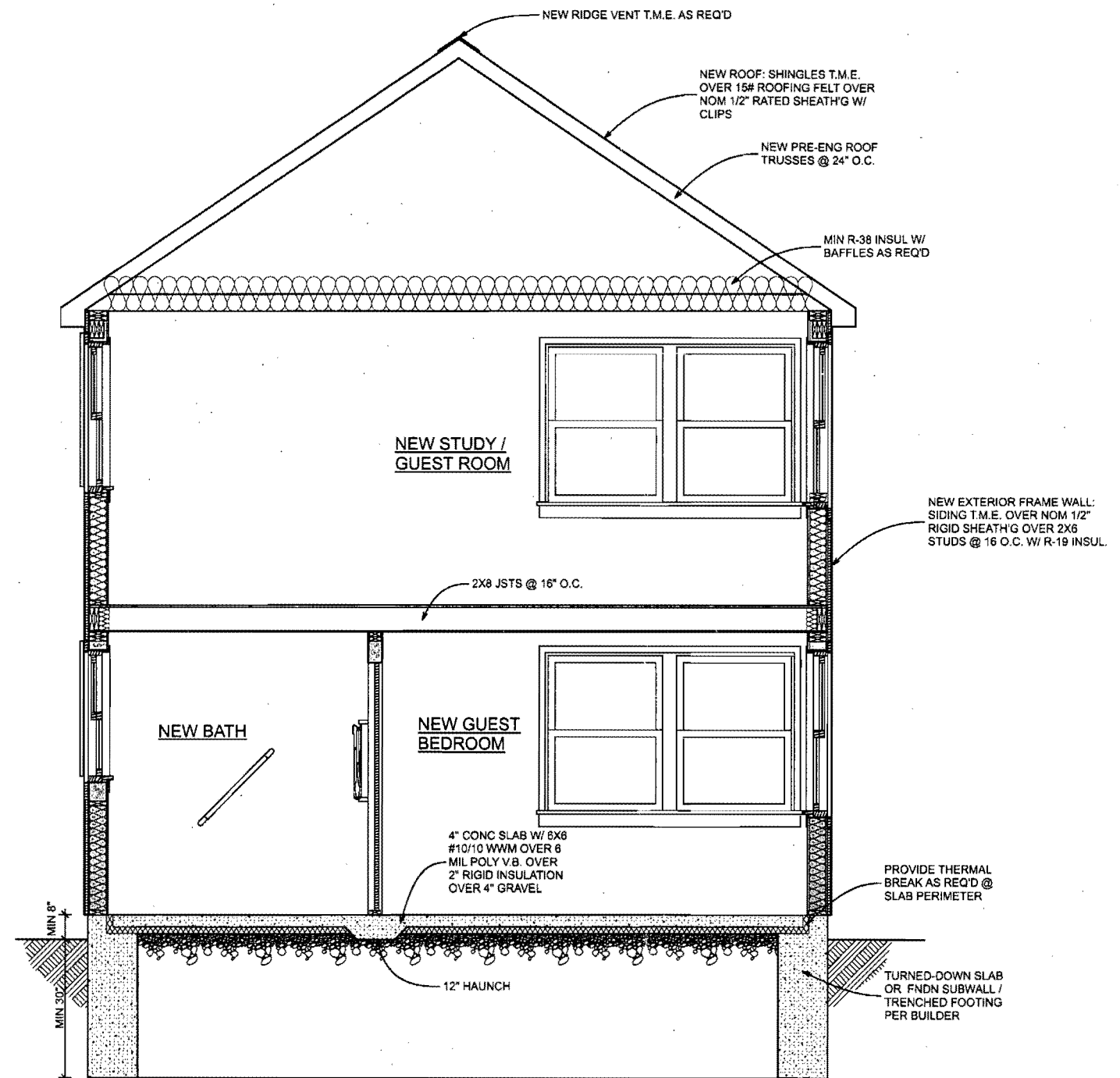
THE KNOCHE RESIDENCE
10407 LIBERTY ROAD
RANDALLSTOWN, MD 21133

Permit Set

Date:
06/18/2009

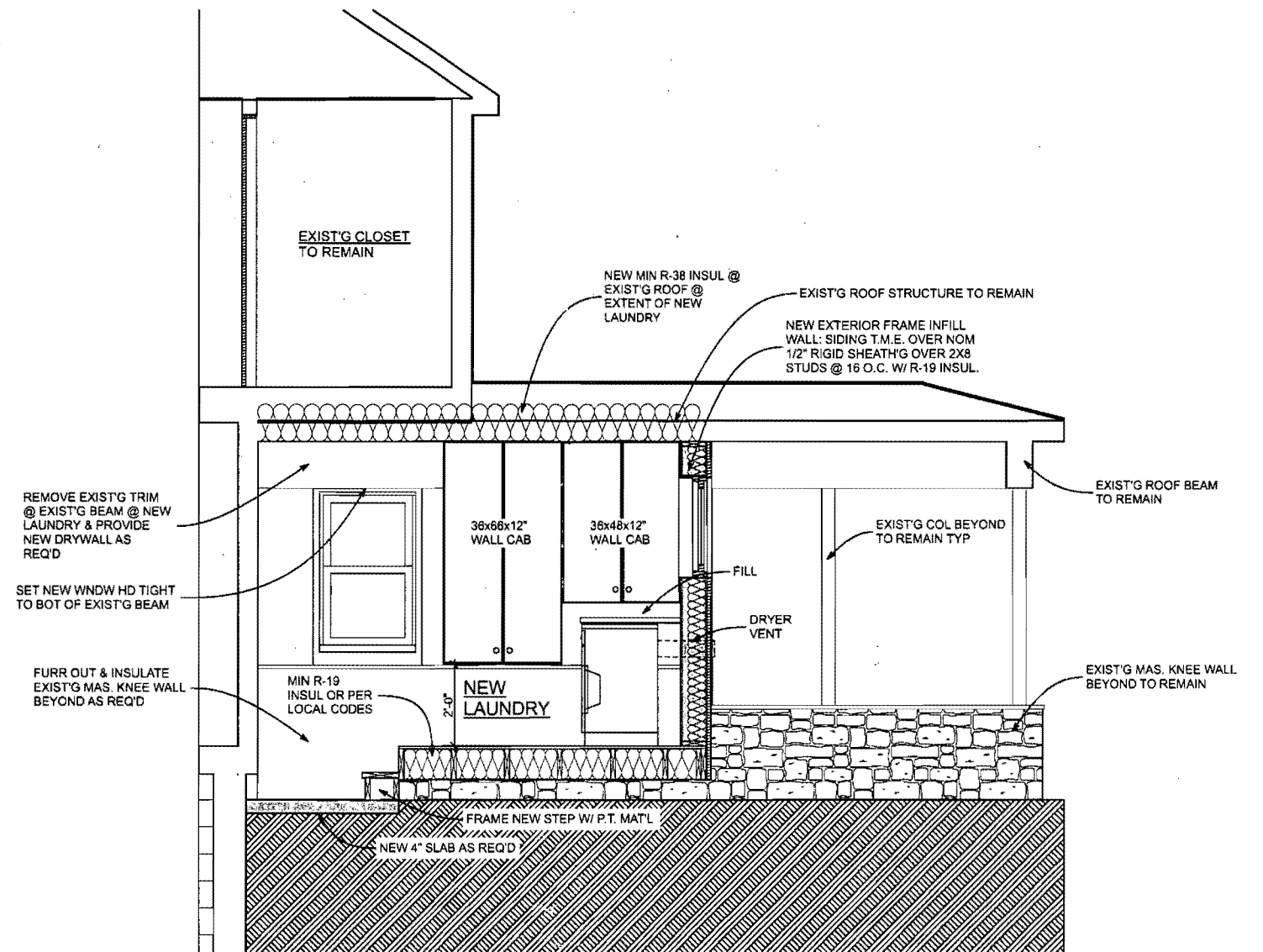
Building
Sections

A6



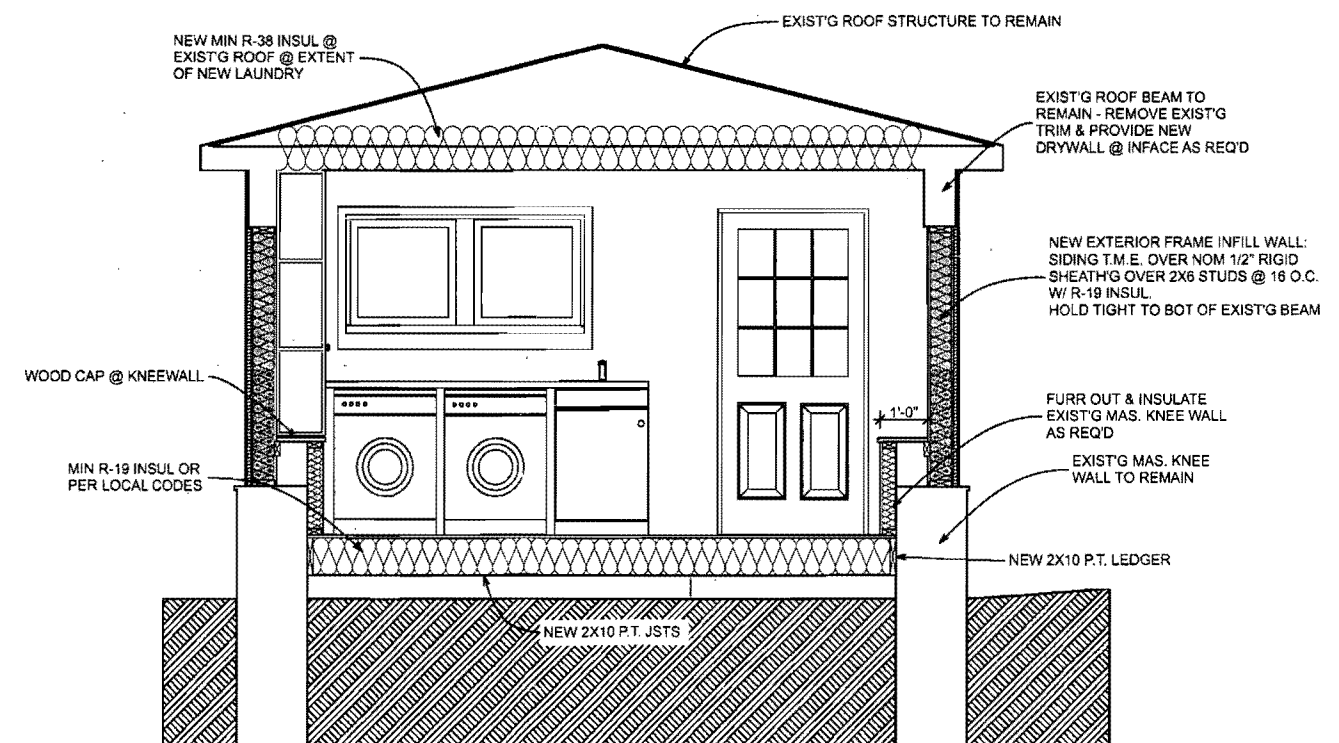
Section C: East-West

1/2" = 1'-0"



Section B: East-West

1/2" = 1'-0"

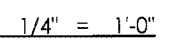


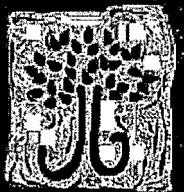
Section A: North-South

1/2" = 1'-0"

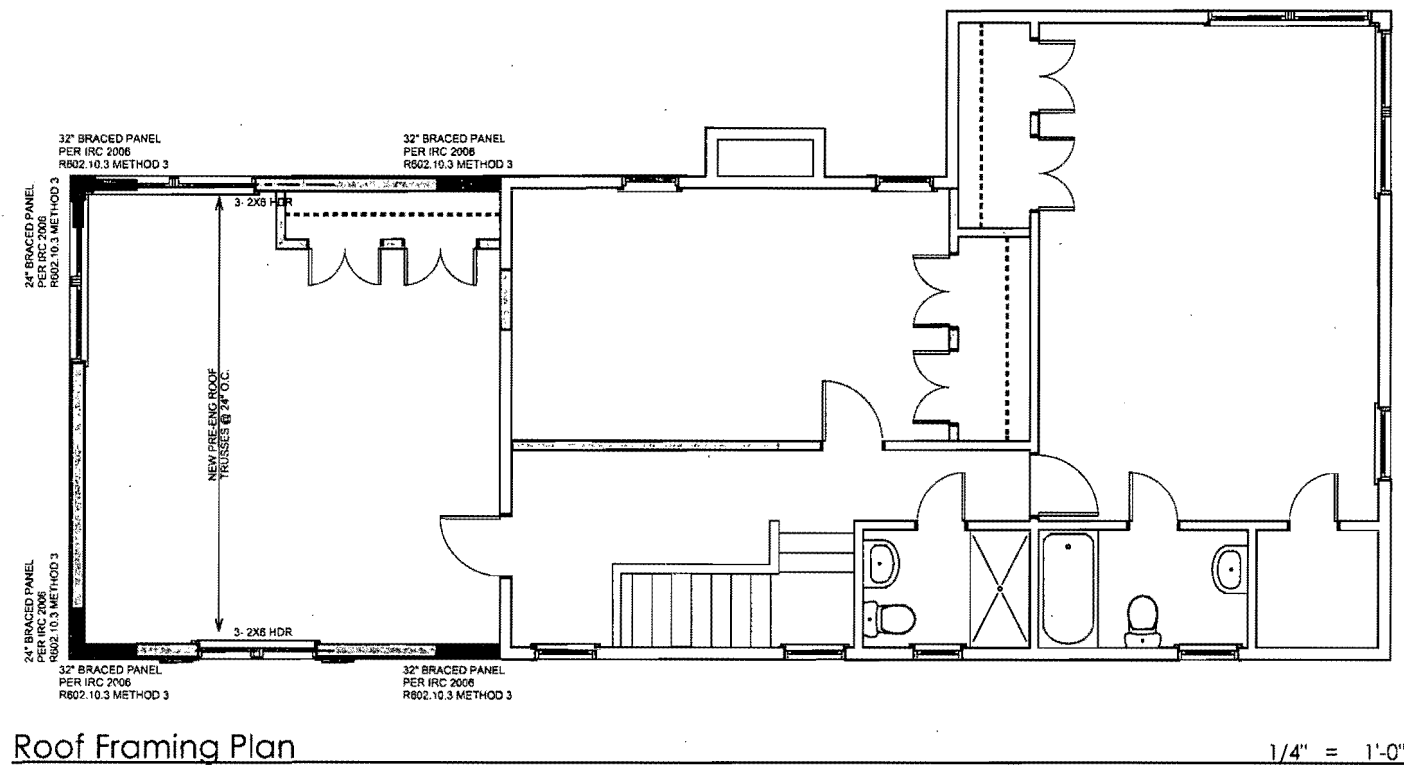


S1





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NOTES

1.0 GENERAL

1.01 CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE LOCAL AND STATE CODES, ORDINANCES, REGULATIONS AND AMENDMENTS AND ALL OTHER AUTHORITIES HAVING JURISDICTION. CONSTRUCTION SHALL COMPLY WITH INTERPRETATIONS OF THE LOCAL BUILDING OFFICIAL. IF THE INTERPRETATION OF THE LOCAL BUILDING OFFICIAL IS AT VARIANCE WITH THESE PLANS OR SPECIFICATIONS, THE MORE STRINGENT SHALL APPLY.

1.02 IN THE EVENT OF A DISCREPANCY BETWEEN THE ARCHITECTURAL PLANS OR SPECIFICATIONS AND THE STRUCTURAL DRAWINGS, THE STRUCTURAL DRAWINGS SHALL TAKE PRECEDENCE.

1.03 DESIGN LOADS:

TYPE	LIVE LOAD (PSF)	DEAD LOAD (PSF)
ROOF	30	20
SLEEPING ROOMS	30	10
OTHER LIVING AREAS	40	15
GARAGE FLOORS	50	50
DECKS	40	10
EXTERIOR BALCONIES	60	15

2.01 SITE WORK IS NOT ADDRESSED IN THESE DOCUMENTS. 2000 PSF SOIL BEARING CAPACITY ASSUMED.

3.0 CONCRETE/FOUNDATIONS

3.01 ALL REINFORCED CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE AMERICAN CONCRETE INSTITUTE ACI 318, CURRENT EDITION. ALL PLAIN CONCRETE SHALL CONFORM TO ACI 318.1 AND ACI 332R GUIDE TO RESIDENTIAL CAST-IN-PLACE CONCRETE CONSTRUCTION.

3.02 MINIMUM SPECIFIED COMPRESSIVE STRENGTH @ 28 DAYS:

LOCATION OF CONCRETE	F _c (PSI)
BASEMENT WALLS AND FOUNDATIONS NOT EXPOSED TO WEATHER	2500
BASEMENT SLABS AND INTERIOR SLABS ON GRADE	2500
BASEMENT WALLS, EXTERIOR FOUNDATION WALLS AND OTHER WORK EXPOSED TO WEATHER	3000
DRIVEWAYS, CURBS, WALKS, PATIOS, PORCHES, STEPS/STAIRS AND UNHEATED GARAGE SLABS EXPOSED TO WEATHER	3500

3.03 THICKNESS AND REINFORCING OF CONCRETE FOUNDATION WALLS SHALL CONFORM TO THE INTERNATIONAL RESIDENTIAL CODE, CURRENT EDITION, TABLE R404.1.1 (1-4), OR WITH SEALED STRUCTURAL DRAWINGS SPECIFIC TO THE SITE SOIL AND GRADE CONDITIONS.

4.0 MASONRY

4.01 ALL MASONRY WORK SHALL CONFORM TO THE APPLICABLE REQUIREMENTS OF THE BIA AND NCMA "SPECIFICATION FOR CONCRETE MASONRY CONSTRUCTION."

4.02 BRICK VENEER WALLS SHALL HAVE NON-CORROSIVE METAL TIES AT MINIMUM 16" O.C. VERTICALLY AND HORIZONTALLY AND WEAP HOLES AT 24" O.C. AT BASE FLASHING AND CAVITY INTERRUPTIONS.

5.0 METALS

5.01 FOUNDATION ANCHOR BOLTS SHALL BE PROVIDED AT MAXIMUM 6'-0" O.C. AND 12" FROM THE END OF EACH PLATE SECTION, WITH MINIMUM TWO (2) ANCHORS PER SECTION OF PLATE. ANCHOR STRAPS SPACED TO ACHIEVE EQUIVALENT CAPACITY MAY BE SUBSTITUTED FOR ANCHOR BOLTS.

5.02 ALL METAL ANCHORS, FASTENERS, HANGERS ETC. SHALL BE GALVANIZED. ALL STRUCTURAL STEEL WIDE-FLANGE BEAMS SHALL CONFORM TO ASTM A-992 WITH MINIMUM STRENGTH F_y = 50 KSI. ALL STRUCTURAL STEEL CHANNELS, ANGLES, ROOF AND BAR STOCK SHALL CONFORM TO ASTM A-36 WITH MINIMUM STRENGTH F_y = 36 KSI.

5.03 ADJUSTABLE STEEL COLUMNS SHALL BE MINIMUM 1 1/2" GAUGE, ASTM A513 OR BETTER, AND SHALL MEET OR EXCEED AISA PUBLISHED ALLOWABLE LOAD CAPACITY. COLUMNS SHALL HAVE A MINIMUM 8"X8"X1/2" BEARING PLATE. SCREW JACK SHALL BE ENCASED IN CONCRETE OR TACK WELDED AFTER INSTALLATION.

6.0 WOOD

6.01 SILL PLATES AND ALL WOOD IN CONTACT WITH MASONRY OR CONCRETE, AND ALL EXPOSED EXTERIOR LUMBER, SHALL BE PRESSURE TREATED TO MEET AWP/ STANDARDS.

6.02 MOISTURE CONTENT OF ALL LUMBER SHALL NOT EXCEED 19%.

6.03 WOOD BEAMS, JOISTS, HEADERS AND RAFTERS SHALL BE MINIMUM S-P-F #1W2 OR EQUAL UNLESS OTHERWISE NOTED.

6.04 LVL MEMBERS SHALL BE 1-1/2" WIDE, DEPTH PER PLANS, GANGED PER MANUFACTURER'S SPECIFICATIONS, WITH THE FOLLOWING MINIMUM PROPERTIES: F_b=2,500 PSI; F_c=750 PSI; F_v=285 PSI; E=1,800,000 PSI.

6.05 PSL MEMBERS SHALL BE SIZED PER PLANS, WITH THE FOLLOWING MINIMUM PROPERTIES: F_b=2,800 PSI; F_c=750 PSI; F_v=290 PSI; E=2,000,000 PSI.

6.06 PREFABRICATED FLOOR JOISTS OR FLOOR TRUSSES SHALL BE DESIGNED TO CARRY ALL IMPOSED LIVE AND DEAD LOADS WITH THE LIVE LOAD DEFLECTION NOT TO EXCEED L/480. ALL LAMINATED BEAMS AND BUILT-UP JOISTS TO BE DESIGNED/VERIFIED BY MFR TYPICAL THROUGHOUT. THE MANUFACTURER SHALL PROVIDE ALL REQUIRED HANGERS, SHEAR PANELS, BLOCKING/BRACING AND OTHER REQUIRED COMPONENTS. THE MANUFACTURER SHALL ALSO PROVIDE ALL DRAWINGS REQUIRED FOR PERMIT AND ERECTION PURPOSES, SIGNED AND SEALED IF REQUIRED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE WHERE THE JOB IS TO BE BUILT.

6.07 PRE-ENGINEERED TRUSSES SHALL BE DESIGNED AND FABRICATED IN ACCORDANCE WITH TP1 RECOMMENDATIONS TO CARRY ALL IMPOSED LIVE AND DEAD LOADS. THE MANUFACTURER SHALL SUPPLY ALL REQUIRED HANGERS, HOLD-DOWN STRAPS, SHEAR PANELS AND OTHER REQUIRED COMPONENTS. THE MANUFACTURER SHALL ALSO PROVIDE ALL DRAWINGS REQUIRED FOR PERMIT AND ERECTION PURPOSES, SIGNED AND SEALED IF REQUIRED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE WHERE THE JOB IS TO BE BUILT.

6.08 JOISTS SHALL BE DOUBLED UNDER PARALLEL WALLS THAT EXCEED ONE-THIRD THE JOIST LENGTH. JOISTS SHALL BE SPACED CLOSER UNDER BATH TUBS, CERAMIC OR MARBLE TILE, POTENTIAL WATER BEDS AND SIMILAR ANTICIPATED LOADING CONDITIONS. JOISTS SHALL NOT BE CUT, NOTCHED OR DRILLED EXCEPT AS PERMITTED BY IRC 2006 R502.8 OR OTHER APPLICABLE CODE.

6.09 HEADERS OVER FRAMED OPENINGS IN BEARING WALLS SHALL BE MINIMUM 2-2X10 UNLESS OTHERWISE NOTED ON DRAWINGS, BUT SHALL IN NO EVENT BE LESS THAN SPECIFIED IN IRC 2006 TABLE R502.5 OR OTHER APPLICABLE CODE.

THE KNOCHE RESIDENCE
10407 LIBERTY ROAD
RANDALLSTOWN, MD 21133

Permit Set

Date:
06/18/2009

Roof Framing
Plan and
Notes

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