

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Cove Road; 512 feet E of
the c/l of Stansbury Road
12th Election District
7th Councilmanic District
(8422 Cove Road)

Lee and Ellen Krich
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0026-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 waterfront property, Lee and Ellen Krich for property located at 8422 Cove Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above-ground pool) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Zoning Commissioner's Policy Manual (Z.C.P.M.), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, as is the situation here, waterfront lots refer to the front of the structure as facing the water. The property is located on Lynch Cove in the Dundalk area of the County.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated September 10, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. Comments were received from the

9-10-09
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Bureau of Development Plans Review dated August 13, 2009 which indicates that the base flood elevation for this site is 9.4 Baltimore County Datum. The flood protection elevation is 10.4 feet.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 31, 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 B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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.

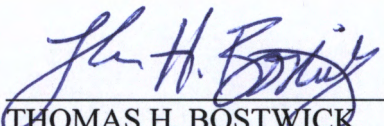
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10th day of September, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above-ground pool) to be located in the front yard in lieu of the required rear yard 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.

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9.10.09
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2. 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).
3. The base flood elevation for this site is 9.4 Baltimore County Datum.
4. The flood protection elevation is 10.4 feet.

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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9-10-09

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BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 10, 2009

LEE AND ELLEN KRICH
8422 COVE ROAD
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2010-0026-A
Property: 8422 Cove Road

Dear Mr. and Mrs. Krich:

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 cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 8422 COVE RD., 21222
which is presently zoned M.L. - I.M.

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) 400.1 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (ABOVE GROUND POOL) TO BE
LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

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:

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):

MR. LEE KRICH

Name - Type or Print

Signature

MRS. ELLEN KRICH

Name - Type or Print

Signature

8422 COVE RD

Address

410-282-3031

Telephone No.

BALTO. MD

City

State

21222

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO. 2010-0026-A

REV 10/25/01

Reviewed By D.T.

Date 7/22/09

Estimated Posting Date

8/2/09

9.10.09

PM

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 8422 Cove Road
Address
Balto, Md. 21222
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):

1. The listed residence is waterfront property, where the open space of the yard fronts on the water, calling it the "front" yard. A pool must be located in a backyard. The pool cannot be located in the back because there is only enough space for a driveway since the house had to be set back 100 feet from the water, per Environmental Agency review.

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.

Ellen B. Krich
Signature

Ellen B. Krich
Name - Type or Print

Lee H. Krich
Signature

Lee H. Krich
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22 day of July, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Rox M. Perry
Notary Public

My Commission Expires 11/01/2010

Zoning Description for **8422 Cove Road**

Beginning at a point on the north side of Cove Road
which is 67-feet wide at a distance of 512-feet of the centerline of
Stansbury Road. Being Lot #23 in the subdivision known as
“Stansbury Shores Plat” and containing 12,296 square feet and
located in the 12th Election District and 7th Councilman District.

2010-0026-A

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

No. **43217**

Date: **7/22/09**

PAID RECEIPT

BUSINESS ACTUAL TIME ROW
 7/23/2009 7/22/2009 14:23:57 5

REC MSG: WALKIN RDS LRB
 >>RECEIPT H 488006 7/22/2009 07/18

5 530 ZIPPING VERIFICATION

NO: 043217

Recpt tot \$65.00

\$65.00 01 1.00 CA

Baltimore County, Maryland

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

Total: **65.00**

Rec

From: **ELLEN KRICH**

For: **2010-0026-A**

8422 COVERD.

D THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2010-0026-4

Petitioner/Developer KRICH

Date Of Hearing/Closing: 8/17/09

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 8422 COVE RD

This sign(s) were posted on July 31, 2009

Month, Day, Year

Sincerely,

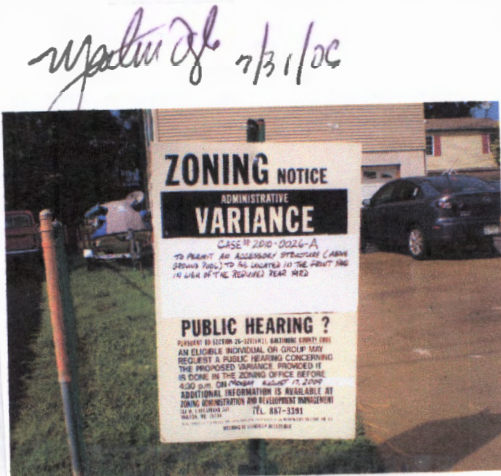
Martin Ogle 7/31/09
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



07/31/2009

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 20⁽²⁰¹⁰⁾~~00~~-0026 -A Address 8422 CONE RD. 21222
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/22/09 Posting Date: 8/2/09 Closing Date: 8/17/09

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 20⁽²⁰¹⁰⁾~~00~~-0026 -A Address 8422 CONE RD. 21222
Petitioner's Name KRICH Telephone 410-282-3031
Posting Date: 8/2/09 Closing Date: 8/17/09
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (ABOVE GROUND POOL)
TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

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: 2010-0026-A

Petitioner: KRICH

Address or Location: 8422 CONE RD., 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. LEE KRICH

Address: 8422 CONE RD.

BALTO. MD 21222

Telephone Number: 410-282-3031



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

August 19, 2009

Lee & Ellen Krich
8422 Cove Rd.
Baltimore, MD 21222

Dear: Lee & Ellen Krich

RE: Case Number 2010-0026-A, 8422 Cove Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 22, 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

INTER-OFFICE CORRESPONDENCE

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

DATE: August 10, 2009

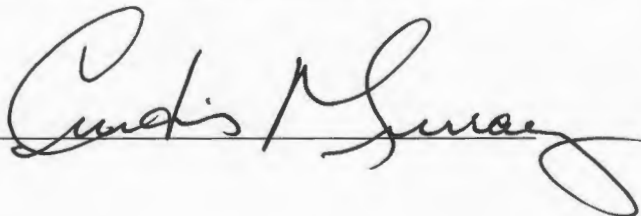
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-026- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



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AUG 18 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 10 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 10, 2009

SUBJECT: Zoning Item # 10-026-A
Address 8422 Cove Road
(Krich Property)

Zoning Advisory Committee Meeting of August 3, 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:

This property is located in an Intensely Developed Area (IDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Applicable IDA and BMA regulations must be satisfied prior to issuance of a building permit for the proposed work.

Reviewer: Adriene Metzbower

Date: 8/21/2009

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 13, 2009

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

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For August 3, 2009
Item No. 2010-026

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

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

The flood protection elevation is 10.4 feet.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 10-026-08032009.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: August 4, 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 2010-0026-A
8422 COVE RD
KRICH PROPERTY
ADMIN. VARIANCE -

Dear Ms. Matthews:

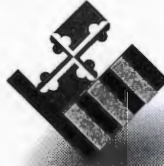
Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0026-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,

Fon Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

September 1, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 30, 2010

Item No.:

Administrative Variance: 2011-0073A

Variance: 2011-0026SPHXA, 2011-0074A – 0078A, 2011-0079SPHA, 2011-0081SPHA,
2011-0082A

Special Exception: 2011-0026SPHXA

Special Hearing: 2011-0026SPHXA, 2011-0079SPHA, 2011-0080SPH., 2011-0081SPHA

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
Mail Stop 1102

cc: File

Patricia Zook - Case No. 2010-0026-A - administrative variance

From: Patricia Zook
To: Livingston, Jeffrey
Date: 8/25/2009 12:55 PM
Subject: Case No. 2010-0026-A - administrative variance

Hello Jeff -

We are in need of DEPRM comments for the following case:

CASE NUMBER: 2010-0026-A

8422 Cove Road

Location: N side of Cove Road; 512 feet E of the c/l of Stansbury Road.

12th Election District, 7th Councilmanic District

Legal Owner: Lee and Ellen Krich

Closing Date: 8/17/2009

ADMINISTRATIVE VARIANCE To permit an accessory structure (above-ground pool) to be located in the front yard in lieu of the required rear yard.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Fwd: Ellen Krich property photos for 8422 Cove Road

From: Donna Thompson
To: pzook@baltimorecountymd.gov
Date: 8/21/2009 2:40 PM
Subject: Fwd: Ellen Krich property photos for 8422 Cove Road

>>> "Krich, Ellen" <KrichE@RPCS.ORG> 8/21/2009 2:07 PM >>>

These are the photos for 8422 Cove Road, where I am applying for a zoning variance to put in an above ground pool. These pictures show the view where the pool would be, from the water up and from the house down and then a sideways shot. The vertical shot is of the driveway (which because we are waterfront is called the BACK of the house). This shows the minimal space there would be for a pool since the house had to be 100 feet back from the water, due to environmental laws. The driveway is only big enough for cars and the pool would be directly on the road if it had to be behind the house.

Thanks for calling this morning. Please let me know if there is anything more I can do to help obtain the variance.

Sincerely,
Ellen Krich















2010-0026-A

-15-

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

OWNER Lee + Ellen Krich



SCALE OF DRAWING: 1" = 50'



D.T. | 0026 | 0026-A