

IN RE: **PETITION FOR VARIANCE**

N/S Old Court Road, 570' W of
Granite Road

(10212 Old Court Road)

2nd Election District

4th Council District

Thomas J. Byrne, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 2010-0172-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 owners of the subject property, Thomas J. Byrne, and his son, Baron Jay Byrne.¹ The Petition was filed in response to a complaint registered by the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the use of the subject property (Case No. 69441). In this regard, the Petitioners seek relief from Sections 400.1 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow two (2) existing accessory structures (carports) to be located in the front yard in lieu of the required rear yard, and to allow said structures to be as close as 4 feet from a side property line and 15 feet from the street centerline in lieu of the required 35 feet and 75 feet, respectively. The subject property and requested relief are more particularly described on the site plan and photographs submitted which were accepted into evidence and marked as Petitioners' Exhibits 1 (site plan) and 2 (photographs).

Appearing at the requisite public hearing in support of the request were Thomas Byrne, property owner, and his daughter-in-law, Donia J. Byrnes. There were no Protestants or other interested persons present; however, it is to be noted that the Office of Planning submitted a Zoning Advisory Committee (ZAC) comment recommending a denial of the requested variances and removal of the carports.

¹ Baron Byrne's name appears on the Deed for estate purposes. He and his wife, Donia J. Byrne, do not reside on the property and own their own single-family residence located in Anne Arundel County.

ORDER RECEIVED FOR FILING

Date

By

1-28-10

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Testimony and evidence offered disclosed that the subject property is an irregularly shaped parcel located in the Granite/Woodstock area of Baltimore County not far from the Howard County line. It has 148 feet of frontage along the north side of Old Court Road, then widens to 484 feet at the rear boundary line and contains a gross area of 4.95 acres, more or less, zoned R.C.2. As evidenced by the Department of Assessments and Taxation, the property is designated as Parcel 86 on Tax Map 86 and improved with a two-story, single-family dwelling built in 1931. The Petitioners have owned the property since 1997 and have made substantial improvements raising its value from \$52,374 (1997) to over \$210,000 (2009). Thomas Byrne provided photographs depicting the home's condition when purchased and what it looks like today. Compare Petitioners' Exhibits 3 and 4. At issue in this case are the carports purchased from and erected by Carolina Carports in 2008. At that time, the contractor informed Mr. Byrne that no building permits were required and proceeded to locate one of the carports on the eastern side of the lot, the other on the western side. See photograph Exhibits 2A and 2B. Little did Thomas Byrne realize, at that time, that the carports would become complicated by Sections 400.1 and 1A01.3.B.3 requiring accessory structures to "be located only in the rear yard" and any front yard structure, whether the principal dwelling or otherwise to be setback and situated no closer than "within 75 feet of the centerline of any street or within 35 feet of any lot line other than a street line".

The Petitioners nightmare began in November 2009 when the Department of Permits and Development Management (DPDM), the agency that issues building permits, received an inquiry questioning the accumulation of debris and contractor's materials on the property. Code Enforcement Officer Latoshia Rumsey-Scott visited the site and issued a "Correction Notice" informing the Petitioners that they would need to bring the property in conformance with the zoning regulations and the illegal accessory structure(s) placement.

Mr. Byrne described the site constraints associated with the property, including the existence of a substantial drop-off in the topography that begins at the front building line of his home and then descends down for a distance of 81 feet to a stream that bisects the property's rear

ORDER RECEIVED FOR FILING

Date

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1-28-10

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yard. Photographs of the constraints were submitted. When asked why the accessory structures could not be located to the western side of his house, he indicated the existence of a septic system in this area. In sum, it was his opinion that the current location's were most appropriate, and that relief should be granted to allow reduced setbacks in order that he can continue to safely store his vintage 1929 and 1931 Mercedes-Benz roadsters in one carport and use the other for his farm tractor and automobile (shown in carport photograph exhibits). He asserts that he is getting up in his years (will turn 79 in five [5] months) and is retired with health problems and physical limitations. The carports have existed at their present location for two (2) years without complaint and provide a convenient place for out of weather storage. Mr. Byrne testified as to the practical difficulty and unreasonable hardship he has endured since receiving the Correction Notice, which has left him in an untenable position. In response to the Office of Planning's comment - that the western carport blocks the visual sight lines for the neighbor residing at 10220 Old Court Road when exiting his driveway, Mr. Byrne states that Carroll E. Marr is his friend, is 97 years old, doesn't drive and has no objection with regard to the carports location. He further points out, as shown on Petitioners' Exhibit 2A, that Mr. Marr's trees and shrubbery have been placed at the joint property line and block sight lines much more than his carport.

Mr. Byrne testified that he placed the carports in their present location for the reasons indicated above and was not aware of any County restriction that would prevent him from doing so. To a certain extent, I am sympathetic to Mr. Byrne's plight. A search of the Zoning Commissioner's records fails to disclose any variances applied for or granted for similar relief in this area. If other carports or accessory structures in the Woodstock area have been erected over time, they have done so in disregard of the zoning regulations. Variance relief can be granted only if the requirements contained in Section 307 of the B.C.Z.R. are met. This section states that the Zoning Commissioner may grant variances;

... only in cases where 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 of Baltimore County would result in practical difficulty or unreasonable hardship.

Variances are not favored under the law and presumed to be in conflict with the regulations. As stated in *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995):

The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.

Any proposed construction in the front yard mandates close scrutiny. The impact of building in this area will be greater than the same proposal in the rear yard. Weighing all the testimony and evidence on this issue, I am persuaded to agree with the Office of Planning that granting front and side yard variances would adversely impact the neighborhood. Communities simply look nicer if the view from the street is the grandest, prettiest part of the house – the formal front entry to the home. Aesthetics demand that the “front” should be the most attractive.

After due consideration of all the testimony and evidence presented, I find that the Petitioners’ property, while constrained, is substantially similar to other properties as to the size, shape, and topography. As such, it does not meet the requirements for a finding of uniqueness as set forth in *Cromwell*. I cannot decide this case based on “extenuating circumstances”. Having determined that no uniqueness exists as to the Petitioners property, I must therefore deny the variance requested by the Petitioners. I do, however, find extenuating circumstances. So often in this job, there is never a correct decision – but as the case here demonstrates one that seems not right, but simply less wrong. Thus, in denying the Petitioners’ variance and as discussed at the hearing, I am persuaded to grant some relief that will be personal in nature to Thomas Byrne and limited in duration.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be partially granted and limited prior to the ultimate denial taking effect.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of January 2010 that the Petition for Variance seeking relief from

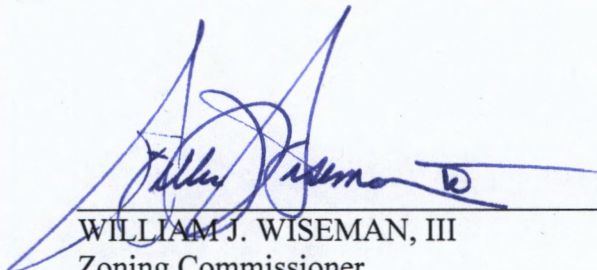
Sections 400.1 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow two (2) existing accessory structures (carports) to be located in front of the principal dwelling in lieu of the required rear yard, and to allow said structures to be as close as 4 feet from the side property lines, and 15 feet from the street centerline in lieu of the required 35 feet and 75 feet, respectively, in accordance with Petitioners' Exhibit 1, be and is hereby PERMITTED in limited duration, prior to the DENIAL becoming final, subject to the following conditions which are restrictions precedent to the limited approval granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (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.
2. The temporary variance relief granted to the Petitioners herein is personal in nature, limited in duration, and shall not run with the land so as to inure to the benefit of any subsequent property lessee or owner. To assure the current and future use of the subject property, the Petitioners will, within sixty (60) days of the date hereof, record in the Land Records of Baltimore County a Covenant to the Deed for their property (in the form attached) restricting the use of the property.
3. Said Covenant shall contain the proviso that such use shall terminate upon the sale of the property or the passage of five (5) years, whichever comes first. The carports shall then be removed and the property brought into compliance with the zoning regulations.
4. A copy of the recorded Covenant shall be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file.
5. The decision in this case is not a legal precedent that may be cited as such in any other zoning case.

Any appeal of this decision shall be entered within thirty (30) days of the date

hereof.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

COVENANT AND DECLARATION OF UNDERSTANDING

Whereas, in a Petition for Variance before the Zoning Commissioner of Baltimore County, Case No. 2010-0172-A, Thomas J. Byrne, and his son, Baron Jay Byrne, the Petitioners, requested permission to maintain two (2) existing accessory carports in the front yard of the principal dwelling in lieu of the required rear yard with 4-foot side yard setbacks in lieu of the minimum 35 feet required by the regulations, and the Zoning Commissioner, by Order, dated January 28, 2010, partially granted the request providing the following covenant be added to their Deed, which Deed was recorded in the Land Records of Baltimore County, at Liber 12367, Folio 355.

Thomas and Baron Byrne hereby covenant that the carports on the front east and west sides of the property shall be removed from their present locations or relocated to the rear of the property upon the sale of the property or after a period of five (5) years from the date of this Covenant, whichever occurs first.

As witness our hands and seals this _____ day of March 2010.

_____(SEAL)
Thomas J. Byrne

_____(SEAL)
Baron Jay Byrne

(State of Maryland

To wit

County of Baltimore)

I HEREBY CERTIFY THAT ON THIS _____ day of _____, 2010, before me a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Thomas J. Byrne and Baron Jay Byrne, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledge that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal:

NOTARY PUBLIC

My Commission Expires:

NOTAR PUBLIC FOR FILING

Date 1-28-10

By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 28, 2010

Thomas J. Byrne
10212 Old Court Road
Woodstock, Maryland 21163

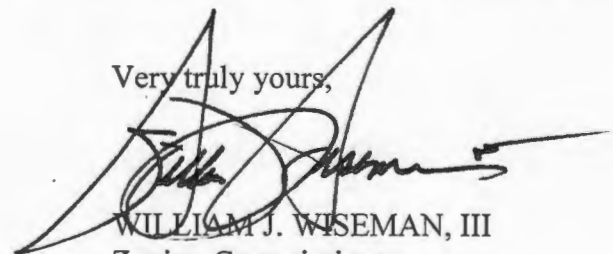
RE: PETITION FOR VARIANCE
N/S Old Court Road, 570' W of Granite Road
(10212 Old Court Road)
2nd Election District - 4th Council District
Thomas J. Byrne, et al – Petitioners
Case No. 2010-0172-A

Dear Mr. Byrne:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Donia J. Byrne, 104 Sixth Avenue, Baltimore, MD 21225
People's Counsel; Division of Code Inspections and Enforcement, DPDM;
Office of Planning; File



TAX. ACCOL # 0218720610

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 10212 Old Court Road
which is presently zoned RC2

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 and 1A01.3, B.3 - to permit two existing accessory structures (car ports) to be located in the front of the principal dwelling in lieu of the required rear; and to allow said structures to be as close as 4 feet from the property line (15 from ^{street} centerline) in lieu of the required 35 (75 from ^{street} centerline) of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Facts will be presented at Hearing for Hardship

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

Date 1-28-10 State MD Zip Code 21163

Case No. 2010-0172-A

REV 9/15/98

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

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By KID

Date

12/9/09

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/neighbor 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 2010-0172-A

Petitioner: Thomas Byrne

Address or Location: 10212 Old Court Rd Woodstock, MD. 21163-1115

PLEASE FORWARD ADVERTISING BILL TO

Name: Thomas Byrne

Address: 10212 Old Court Rd
Woodstock, MD 21163-1115

Telephone Number: 410-480-2724

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

No. _____

Date: _____

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

Total: _____

Rec

From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

ZONING DESCRIPTION :

BEGINNING FOR THE SAME at a stone heretofore set at the end of the ninth or North 22 ½ degrees East 115 ½ feet line of parcel of land which by DEED dated December 1, 1921, and recorded among the Land Records of Baltimore County in Liber WPC No. 549, Folio 37, was conveyed by Margaret E. Blunt to John J. Trammell and Blanche D Trammell, wife, and running thence binding reversely on said ninth line and passing over another stone near the North side Old Court road, South 22 degrees 54 minutes 20 seconds West 115.50 feet to a pipe now set in Old Court Road, thence reversely along the eight and part of seventh lines of said parcel conveyed by Blunt to Trammell, North 75 degrees 35 minutes 40 seconds West 95.00 feet and North 79 degrees 50 minutes 40 seconds West 53.00 feet, thence leaving Old Court Road and passing over a pipe set at the end of 15.00 feet and continuing the same course North 9 degrees 06 minutes 20 seconds East for a total of 255.46 to a iron pipe, thence at right angles, North 80 degrees 53 minutes 40 seconds West 45.00 feet to intersect the third or South 10 degrees 46 minutes West 422.00 feet line of the parcel of land which by DEED date May 13, 1947, and recorded among the aforesaid Land Records In Liber JWB No. 1566, folio 11, was conveyed by John J. Trammell and wife to Carroll E. marr and Dorothy B. Marr, wife, thence reversing said line to the beginning thereof, North 9 degrees 06 minutes 20 seconds East 167.36 feet, thence reversely with the second line of said parcel conveyed by Trammell to Marr, North 80 degrees 40 minutes 20 seconds West 110.00 feet to intersect the fifth or South 8 degrees 06 minutes West 571.½ feet line of the aforesaid parcel of land conveyed by Blunt to Trammell, thence reversely with a part of said fifth line North 9 degrees 06 minutes 20 seconds East 169.74 feet, thence reversely with a part of the fourth line of said parcel of land, North 12 degrees 46 minutes East 133.18 feet to the beginning of second line of the parcel of land which by DEED dated July 30, 1958, and recorded among the aforesaid land Records In Liber GLB No. 3408, folio 648, was conveyed by John J. Trammell and Blanche D. Trammell, wife, to John J. Trammell, thence binding on said second line South 71 degrees 10 minutes East 484.36 feet to intersect the last line of the aforesaid parcel conveyed by Blunt to Trammell, thence reversely with a part of said last line, South 5 degrees 10 minutes West 563.58 feet to the place of beginning. Containing 4.952 acres of land, more or less. The improvements thereon being know as 10212 Old Court Road Woodstock, md. 21163.

2nd Election District 4th Councilmanic District

Item #0172

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: # 2010-0172-A

10212 Old Court Road

N/side of Old Court Road, 570 feet west of the centerline of Granite road

2nd Election District - 4th Councilmanic District

Legal Owners: Thomas & Baron Byrne

Variance: To permit two existing accessory structures (car ports) to be located in the front of the principal dwelling in lieu of the required rear; and to allow said structure to be as close as 4 feet from property line (15 from centerline) in lieu of the required 35 (75 from centerline).

Hearing: Tuesday, January 26, 2010 at 2p.m. in Room 104, County Courts Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 01/733 January 12

226499

CERTIFICATE OF PUBLICATION

1/14/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/12/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 1/11/10

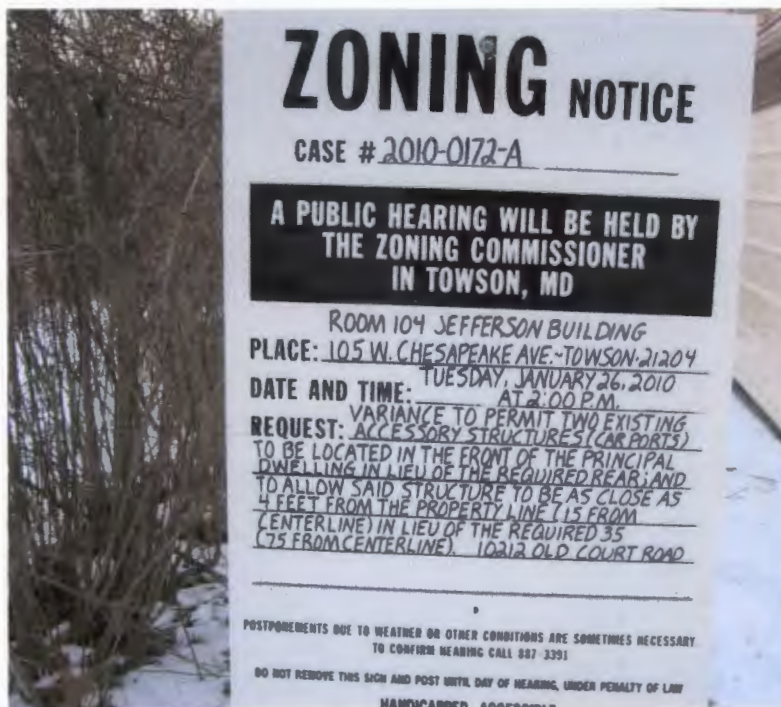
Case Number: 2010-0172-A

Petitioner / Developer: THOMAS BYRNE~BARON JAY BYRNE

Date of Hearing (Closing): JANUARY 26, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
10212 OLD COURT ROAD

The sign(s) were posted on: JANUARY 10, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 12, 2010 Issue - Jeffersonian

Please forward billing to:
Thomas Byrne
10212 Old Court Road
Woodstock, MD 21163

410-480-2726

NOTICE OF ZONING HEARING

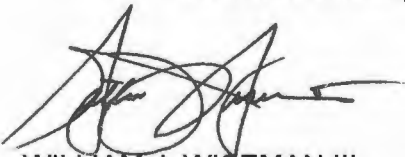
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0172-A

10212 Old Court Road
N/side of Old Court Road, 570 feet west of the centerline of Granite Road
2nd Election District – 4th Election District
Legal Owners: Thomas & Baron Byrne

Variance to permit two existing accessory structures (car ports) to be located in the front of the principal dwelling in lieu of the required rear; and to allow said structure to be as close as 4 feet from property line (15 from centerline) in lieu of the required 35 (75 from centerline).

Hearing: Tuesday, January 26, 2010 at 2:00 p.m. in Room 104, County Courts 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 5, 2010

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: 2010-0172-A

10212 Old Court Road

N/side of Old Court Road, 570 feet west of the centerline of Granite Road

2nd Election District – 4th Election District

Legal Owners: Thomas & Baron Byrne

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Hearing: Tuesday, January 26, 2010 at 2:00 p.m. in Room 104, County Courts Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Thomas Byrne, Baron Jay Byrne, 10212 Old Court Road, Woodstock 21163

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 11, 2010.**
- (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.



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

January 21, 2010

Thomas and Baron Byrne
10212 Old Court Rd.
Woodstock, MD 21163

Dear: Thomas and Baron Byrne\

RE: Case Number 2010-0172-A, 10212 Old Court Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 09, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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

December 23, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 24, 2009

Item Numbers: 0166, 0167, 0168 and 0172

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

SUBJECT: Zoning Advisory Committee Meeting
For December 28, 2009
Item Nos. 2010-0166, 168, 169, 170,
171 and 172

DATE: December 15, 2009

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12282009 -NO COMMENTS.doc



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

December 23, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 24, 2009

Item Numbers: 0169, 0171 and 0172

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

BW 1/26
2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 25, 2010

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

RECEIVED

SUBJECT: 10212 Old Court Road

JAN 26 2010

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-172

Petitioner: Thomas and Byron Jay Byrne

Zoning: RC 2

Requested Action: Variance

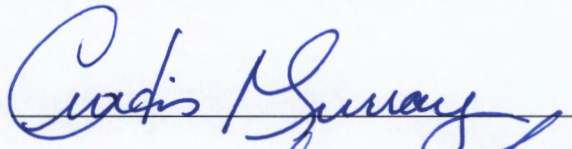
The property in question is on scenic Old Court Road in the Granite National Register District and is within the Patapsco Granite Area Community Plan. The petitioner requests a variance to allow two existing carports in the front yard 4 feet from the property line and 15 feet from the centerline of the street.

SUMMARY OF RECOMMENDATIONS:

It appears that the petitioner's hardship is self-imposed. There is sufficient area in the rear yard for the construction of accessory structures. The two carport structures are the subject of a zoning violation, Case No. 69441. The location of the carport blocks visual site lines for the adjacent dwelling's driveway on to Old Court Road. The Office of Planning recommends **denial** of the variance and removal of the structures.

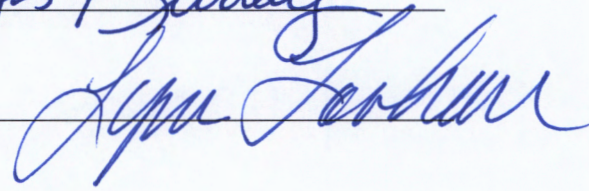
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



RE: PETITION FOR VARIANCE * BEFORE THE
10212 Old Court Road; N/S Old Court Road, *
570' W c/line of Granite Road * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): Thomas & Baron Byrne * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-172-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.

RECEIVED

DEC 18 2009

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 18th day of December, 2009, a copy of the foregoing Entry of Appearance was mailed to Thomas & Baron Byrne, 10212 Old Court Road, Woodstock, MD 21163, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

CO-0069441
10212 Old Court Road

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 30, 2009

TO: W. Carl Richards, Jr.

FROM: Meghan Ferguson, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2010-0172-A
Legal Owner/Petitioner: Thomas and Baron Byrne
Contract Purchaser:
Property Address: 10212 Old Court Rd
Location Description: North side of Old Court Road; 570 feet west of the
centerline of Granite Road

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Case No: CO-0069441

Photographs
Correction Notice

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Christina Moscati in Room 213 in order that the appropriate action may be taken relative to the violation case.

MF/cm
C: Latoshia Rumsey-Scott, Code Enforcement Officer



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER FA0316549	PROPERTY TAX ID 0218720610	DATE ISSUED 11/09/09
NAME(S): Thomas J. Byrne Baron J. Byrne		
MAILING ADDRESS		
CITY	STATE	ZIP CODE
VIOLATION ADDRESS 10212 Old Court Rd		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21163

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|--|---|
| ☒ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☒ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☒ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☒ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☒ 400: Illegal accessory structure placement. |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM: |

Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ 1BC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.G.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease _____ infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extentions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|--|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(1)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

Illegal accessory structure placed next to Car ports

☐ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☒ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: **12.09.09**

INSPECTOR NAME: **L. Wolf** PRINT NAME (Rev 9/05)

AGENCY



Illegal Accessory structures
NOT Permitted.



CASE NAME Byrne
CASE NUMBER 2010-0172-A
DATE 1-26-10

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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Account Identifier: District - 02 Account Number - 0218720610

Owner Information

Owner Name: BYRNE THOMAS J
 BYRNE BARON J
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 10212 OLD COURT RD
 WOODSTOCK MD 21163-1115
Deed Reference: 1) /12367/ 355
 2)

Location & Structure Information

Premises Address
 10212 OLD COURT RD

Legal Description
 4.952 AC
 10212 OLD COURT RD
 550 FT W GRANITE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
86	4	86						1	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1931	980 SF	4.95 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	153,450	153,400		
Improvements:	54,780	48,100		
Total:	208,230	201,500	208,230	201,500
Preferential Land:	0	0	0	0

Transfer Information

Seller: CASTLE RICHARD E	Date: 09/05/1997	Price: \$52,374
Type: NOT ARMS-LENGTH	Deed1: /12367/ 355	Deed2:
Seller: RUHL ALLENE M	Date: 11/17/1983	Price: \$50,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6625/ 31	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
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
ANNE ARUNDEL COUNTY
Real Property Data Search (2007 vw2.3d)

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Account Identifier: District - 05 Subdivision - 047 Account Number - 08667400

Owner Information

Owner Name:	BYRNE, BARRY J	Use:	RESIDENTIAL
	BYRNE, DONIA J	Principal Residence:	YES
Mailing Address:	104 SIXTH AVE	Deed Reference:	1) / 8522/ 1
	BALTIMORE MD 21225-2737		2)

Location & Structure Information

Premises Address	Legal Description
104 SIXTH AVE	LTS 23 24 BK N
BALTIMORE 21225	104 SIXTH AVE
	BROOKLYN PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
2	13	22		47		N	23	2	Plat Ref: 14/ 21

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	1,004 SF	6,250.00 SF	

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	95,560	145,620		
Improvements:	75,970	82,640		
Total:	171,530	228,260	209,350	228,260
Preferential Land:	0	0	0	0

Transfer Information

Seller: STRENNEN JR, HUGH J	Date: 06/12/1998	Price: \$107,500
Type: IMPROVED ARMS-LENGTH	Deed1: / 8522/ 1	Deed2:
Seller: STRENNEN, HUGH J JR	Date: 10/04/1993	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6246/ 339	Deed2:
Seller: KANARAS GUS	Date: 02/07/1989	Price: \$82,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 4789/ 287	Deed2:

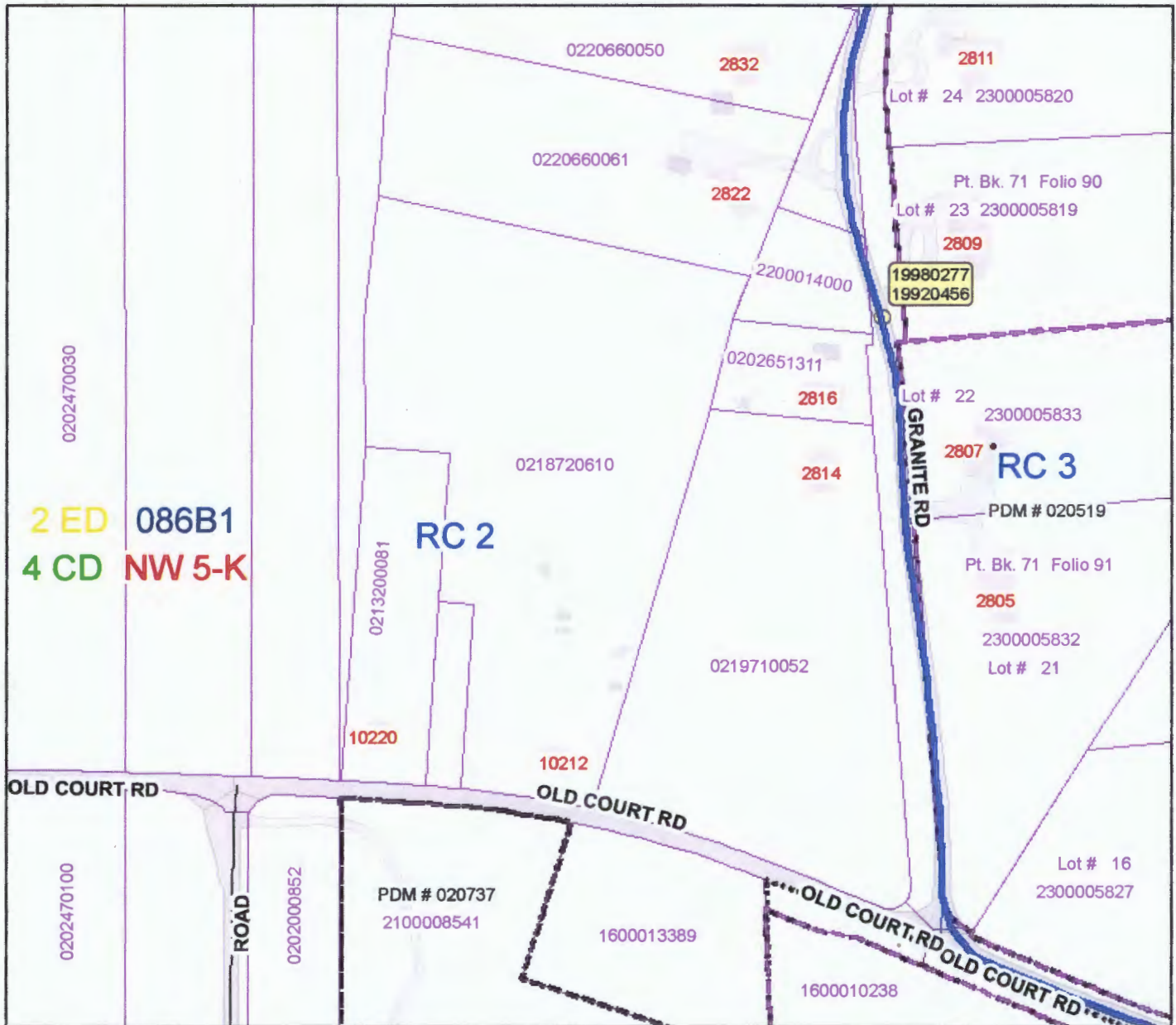
Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

10212 Old Court Road



Publication Date: December 09, 2009
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



200 0 200 Feet
 1 inch equals 200 feet

Item #0172

Case No.: 2010-0172-A 10212 OLD COURT ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2 A	PHOTO'S CAR PORT W/S ANTIQUE CARS	
No. 3 2 B	PHOTO'S CAR PORT 2/S TRACTOR - DAILY AUTO	
No. 3 3	SUBJECT HOME WHEN PURCHASED 9/97	
No. 4 4	EXISTING CONDITIONS AND SITE CONSTRAINTS	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





PETITIONER'S

EXHIBIT NO. 2A
WEST SIDE CARPORT





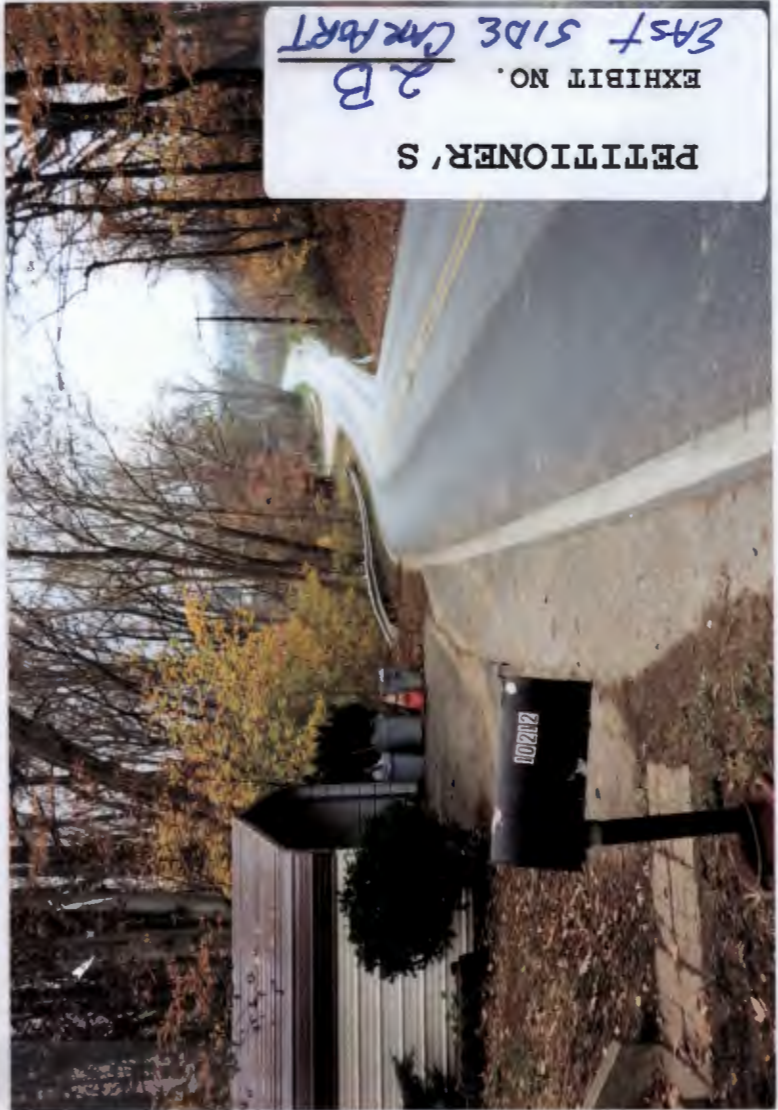




PETITIONER'S
EXHIBIT NO. 3
TIME OF PURCHASE



PETITIONER'S
EXHIBIT NO. 2B
EAST SIDE COURT







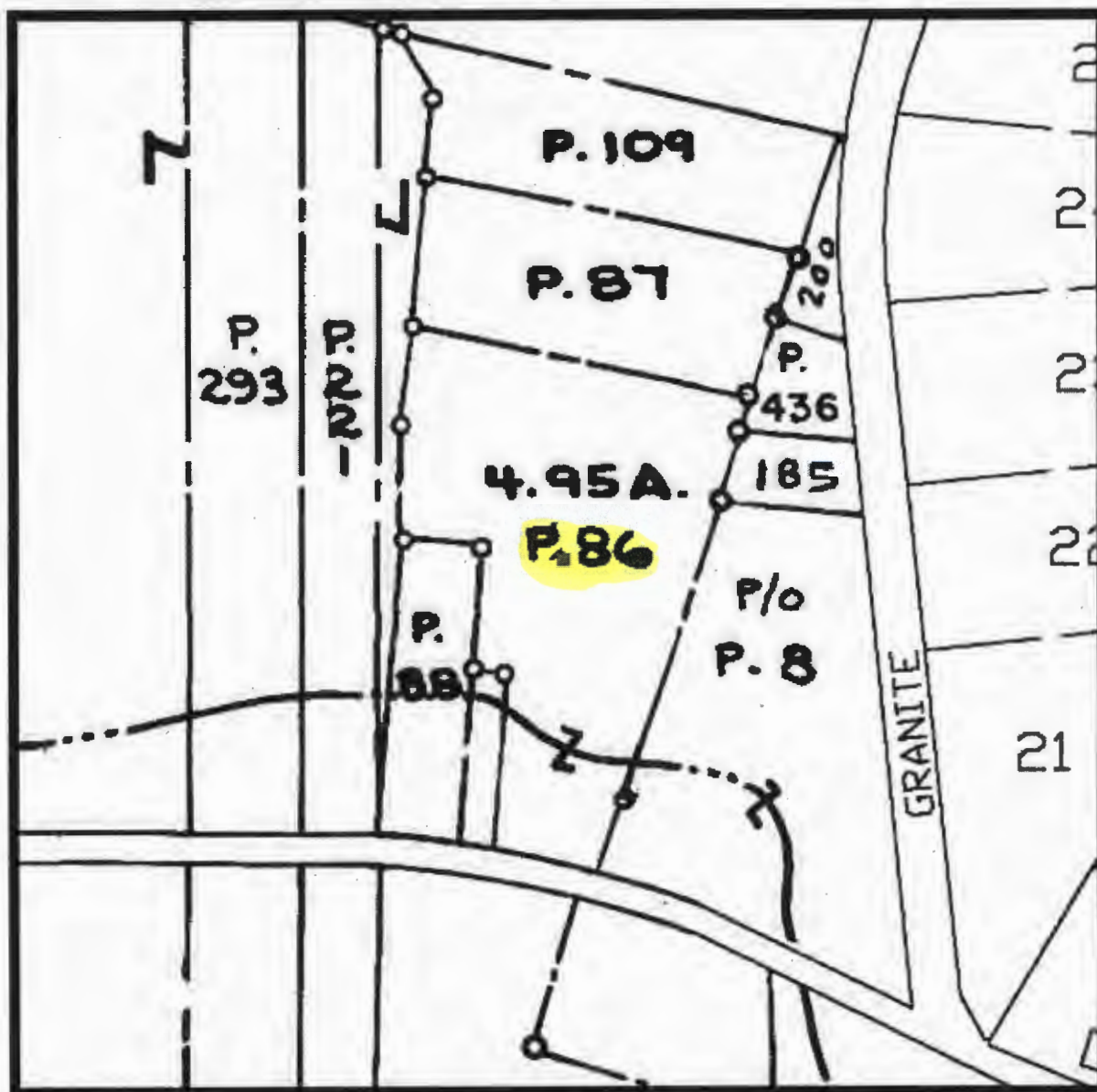




Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 02 Account Number - 0218720610



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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/OurProducts/OurProducts.shtml

BYRNE

2009.12.05 04:25

OWNER	PLAT BOOK #	PAGE #	LOT #	SECTION #
Thomas + Bacon Bldg				

SEE PAGES 5 & 6 OF THE REPORT FOR ADDITIONAL REQ. REQ. HIGHLIGHTS.

4813

679.08

VIOLATION CASE # 69441

PREPARED BY TOM BRYAN E

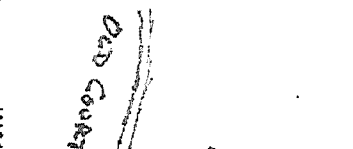
NORTH

SEE SHEET & FOR OUTLINE OF PROPERTY

DRAWING (1) FRONT

SCALE OF DRAWING: 1" = 50 FT

NO DWELLINGS WITHIN 1000 FEET THIS SIDE

①
 VARIETY MAP
 SCALE 1" = 1200'

 LOCATION INFORMATION
 ELECTION DISTRICT 2
 COUNCILMANIC DISTRICT 4
 1" = 200' SCALE MAP # 08621
 ZONING RC2
 LOT SIZE 4.95 AC. ±
 ACRESAGE SQUARE FEET
 PUBLIC PRIVATE
 SEWER ☐ ☒
 WATER ☐ ☒
 CHESAPEAKE BAY YES NO
 CRITICAL AREA ☐ ☒
 100 YEAR FLOOD PLAIN ☐ ☒
 HISTORIC PROPERTY / BUILDINGS ☐ ☒
 PRIOR ZONING HEARING None

PETITIONER' S

EXHIBIT NO. 1