

IN RE: PETITION FOR VARIANCE

NW corner of Murdock Road; 25 feet W
of the c/l of Edgewood Road
9th Election District
5th Councilmanic District
(640 Murdak Road)

James B. and Alise A. Davies
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0195-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, James and Alise Davies. Petitioners are requesting Variance relief from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed) to be located in the side yard with a 1.5 foot setback in lieu of the permitted third of the lot farthest removed from the side street and a 2.5 foot setback, respectively. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner James B. Davies. Appearing as an interested citizen was the next door neighbor, Bob Eckert, of 638 Murdock Road. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is rectangular in size and contains approximately 6,250 square feet or 0.143 acre, more or less, zoned D.R.5.5. The property is located at the northwest corner of Murdock Road and Edgewood Lane, east of York Road and south of Regester Avenue, near the Baltimore City/Baltimore County line in the Anneslie neighborhood. As depicted on the site plan and shown in the photographs that were

ORDER RECEIVED FOR FILING

Date 3.26.10

By pm

marked and accepted into evidence as Petitioners' Exhibits 2A through 2H, the property is improved with a two-story frame dwelling. At the northwest corner of the property to the rear is a raised stone patio with a built-in fireplace. Also to the rear of the property is a one-story frame garage and concrete parking pad.

According to tax records, the dwelling was constructed in 1924 and has an enclosed area of 1,890 square feet. Petitioners have resided at the property since 1997. As also shown in the aforementioned photographs, recently, Petitioner placed a relatively small shed (4 feet wide by 8 feet long by 7 feet high with a studio roof) in the side yard of the property, behind a wooden board-on-board fence that appears to surround the side and rear yards of the property. According to Mr. Davies, the shed and its location gives Petitioners easy access from the side door of their home for overflow storage of household and yard items. However, as a result of an anonymous complaint, a Code Inspector observed the property on January 14, 2010 and issued a Correction Notice to remove the shed from the side of the house or place the shed in the rear yard 2.5 feet away from the rear fence.¹ As a result, Petitioners filed the instant request for variance relief.

In support of the requested relief, Mr. Davies indicated that the present location is the most suitable placement for the shed due to several unique features of the property. First, he explained that the existing stone patio and garage located to the rear of the property takes up a large area of his backyard and significantly limits the area where the shed might otherwise be placed in the rear yard. In addition, Petitioners' property essentially has two frontages. Although the home and the front door face Murdock Road, there is also frontage on Edgewood Lane. In fact, Petitioners' vehicular access to their off street parking and garage is from Edgewood Road. Mr. Davies also indicated that the remaining area of the rear yard has an excessive grade, sloping from the garage and patio areas toward the home. This is well

¹ CO-0071434

ORDER RECEIVED FOR FILING

Date 3.26.10 2

By pm

documented in the photograph of the rear yard that was accepted into evidence as Petitioners' Exhibit 2D. Finally, Mr. Davies indicated that the shed is buffered to some extent by his neighbor's driveway, and is also screened by several large trees that basically surround it, as well as the fence that encircles the property.

Mr. Eckert appeared as an interested citizen and lives directly adjacent to Petitioners' property, on the side where the shed is located. Mr. Eckert indicated that he is supportive of Petitioners' choice for the location of the shed and agrees there really are not any other practical locations for the shed on the property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 2, 2010 stating they do not oppose Petitioners' request.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I agree with Petitioner that the existing improvements to the rear yard and the grade of the yard limit the placement of an accessory structure in the rear yard as required. Petitioners' property is also unique in that, while it does have frontage on Murdock Road, access to the property is from Edgewood Lane. I also find that Petitioners would suffer practical difficulty and undue hardship if the variance was not granted. Petitioners would be denied an accessory structure that is otherwise permitted by the Regulations. Finally, I find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In my judgment, this relatively small structure will not have a negative impact on the community and the most potentially affected neighbor, Mr. Eckert, is

ORDER RECEIVED FOR FILING

Date 3-26-10 3

By PS

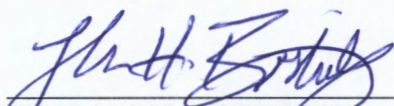
supportive of Petitioners' request. In addition, Petitioners submitted a letter of support that was signed by 11 nearby neighbors on Murdock Road and also contained their comments. The letter was marked and accepted into evidence as Petitioners' Exhibit 3, and the comments from neighbors generally stated they had no problem with or objection to the location of the shed.

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

THEREFORE, IT IS ORDERED this 26th day of March, 2010 by this Deputy Zoning Commissioner, that Petitioners' Variance request from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed) to be located in the side yard with a 1.5 foot setback in lieu of the permitted third of the lot farthest removed from the side street and 2.5 foot setback, respectively, be is hereby **GRANTED**, subject to the following:

1. Petitioners are advised that they may apply for any required building permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
ORDER RECEIVED FOR FILING

Date 3-26-10 4

By pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 26, 2010

JAMES B. AND ALISE A. DAVIES
640 MURDAK ROAD
BALTIMORE MD 21212

Re: Petition for Variance
Case No. 2010-0195-A
Property: 640 Murdak Road

Dear Mr. and Mrs. Davies:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Bob Eckert, 638 Murdock Road, Baltimore MD 21212



TAX ACCOUNT # 0901351640

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 640 Murdock Rd
which is presently zoned D.R.55

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 (SHED) TO BE LOCATED IN THE SIDE YARD WITH
A 1.5-FOOT SETBACK IN LIEU OF THE PERMITTED THIRD OF THE LOT FARTHEST
REMOVED FROM THE SIDE STREET AND 2.5-FOOT SETBACK, RESPECTIVELY.

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

SEE ATTACHMENT

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):

James B. Davies

Name - Type or Print

James B. Davies

Alise A. Davies

Alise A. Davies

Signature

640 Murdock Rd

(410) 377-7081

Address

Telephone No.

Baltimore, MD

21212

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

Case No. 2010-0195-A

ORDER RECEIVED FOR FILING

Reviewed By

D.T.

Date

1/11/10

REV 9/15/98

Date

3.26.10

By

pr

James B. Davies
Alise A. Davies
640 Murdock Rd.
Baltimore, MD
21212

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

We are requesting a variance for the placement of a 4(w)x 8(l)x7(h) shed. Due to the following reasons, the most suitable location for the shed is in the side yard 1½ feet from the fence line and directly across from our side door entrance.

1. Located at the North West corner of our property is a 60 year old stone patio that measures 16'x16'. The stone patio is not structurally sound and incapable of supporting the weight of the shed and its contents. In addition, the patio has very limited space due to a built in stone fireplace and raised walls.
2. The remaining area of the backyard has excessive grade for the placement of a shed. According to the manufacturing company, land grade must be less than a 6" slope from the highest to lowest point. Slope of our backyard is over 30% higher than the installation requirements.

Zoning Description For 640 Murdock Road
Baltimore, Maryland
21212

Beginning at a point on the North side of Murdock Road which is 50 feet wide at the distance of 25 feet West of the centerline of the nearest improved intersecting street of Edgewood Road which is 50 feet wide. Being Lot # 41 Block C in the subdivision of Anneslie as recorded in Baltimore County Plat Book # 7, Folio # 40 containing 6,250 square feet. Also known as 640 Murdock Road and located in the 9th Election District, 5th Councilmanic District.

2010-0195-A

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 2010-0195-A

Petitioner: DANIES

Address or Location: 640 MURDOCK RD.

PLEASE FORWARD ADVERTISING BILL TO

Name: JAMES B. DANIES

Address: 640 MURDOCK RD.

BALTO. MD 21212

Telephone Number: 410-377-7081

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

No. 65829

Date: 11/14/82

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	000			50					65.00

Total: 65.00

Rec

From: JAMES J. WIEG

For: 2010 - 005-A

100 - 000000 - 50

THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

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

Case: # 2010-0195-A

640 Murdock Road
N/west corner of Murdock
Road, 25 feet west of the
centerline of Edgewood Road
9th Election District
5th Councilmanic District
Legal Owner(s): James and
Allise Davies

Variance: to permit an accessory structure (shed) to be located in the side yard with a 1.5 foot setback in lieu of the permitted third of the lot farthest removed from the side street and 2.5 foot setback, respectively.

Hearing: Monday, March 15, 2010 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 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.

2/437 Feb. 25 230878

CERTIFICATE OF PUBLICATION

2/25/ 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 2/25/ 2010.

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

J. Wilkinson

LEGAL ADVERTISING

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

LETTER OF TRANSMITTAL

TO: BALTO. COUNTY, POM
ZONING OFFICE

ATTENTION: MS. KRISTEN
MATTHEWS

DATE: FEB. 27, 2010
JOB NO. 2010-065
RE: 640 MURDOCK RD
CASE NO.: 2010-0195-A

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

☐ Copy of letter ☒ Prints ☒ Documents ☐ Other _____

No. of copies	Date	Description
1	2-27-10	CERT. OF POSTING
2	2-27-10	SITE PHOTOS

TRANSMITTALS are as checked below:

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

☐ Other _____

REMARKS:

SIGNED:

WILLIAM D. GULICK, JR.

cc:

JAMES & ALISE
DAVIES

File #

RECEIVED

MAR 03 2010

For

CERTIFICATE OF POSTING

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

Date: FEB. 27, 2010

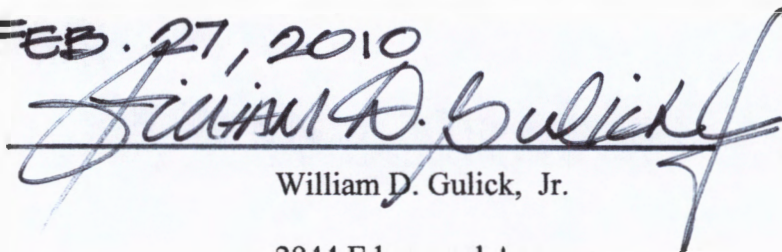
ZONING OFFICE

Attention: MS. KRISTEN MATTHEWS

Re: Case Number: 2010-0195-A
Petitioner/Developer: JAMES AND ALISE DAVIES
Date of Hearing/Closing: MARCH 15, 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: 640 MURDOCK ROAD

The sign (s) were posted on: FEB. 27, 2010



William D. Gulick, Jr.

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

SEE ATTACHED SITE PHOTOS



TO: PATUXENT PUBLISHING COMPANY
Thursday, February 25, 2010 Issue - Jeffersonian

Please forward billing to:
James Davies
640 Murdock Road
Baltimore, MD 21212

410-377-7081

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: 2010-0195-A

640 Murdock Road
N/west corner of Murdock Road, 25 feet west of the centerline of Edgewood Road
9th Election District – 5th Councilmanic District
Legal Owners: James and Alise Davies

Variance to permit an accessory structure (shed) to be located in the side yard with a 1.5 foot setback in lieu of the permitted third of the lot farthest removed from the side street and 2.5 foot setback, respectively.

Hearing: Monday, March 15, 2010 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.

February 16, 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: 2010-0195-A

640 Murdock Road

N/west corner of Murdock Road, 25 feet west of the centerline of Edgewood Road

9th Election District – 5th Councilmanic District

Legal Owners: James and Alise Davies

Variance to permit an accessory structure (shed) to be located in the side yard with a 1.5 foot setback in lieu of the permitted third of the lot farthest removed from the side street and 2.5 foot setback, respectively.

Hearing: Monday, March 15, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: James & Alise Davies, 640 Murdock Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 27, 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

March 11, 2010

James & Alise Davies
640 Murdock Rd.
Baltimore, MD 21212

Dear: James & Alise Davies

RE: Case Number 2010-0195-A, 640 Murdock Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2010. 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

January 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 18, 2010

Item Numbers: 0189,0190,0191,0192,0194,0195,0196,0198,0199

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

DATE: January 22, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For February 1, 2010
Item Nos. 2010-0189, 190, 191, 192,
193, 195, 196, 197, 198 and 199

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-02012010 -NO COMMENTS.doc

TB 3/15
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 2, 2010

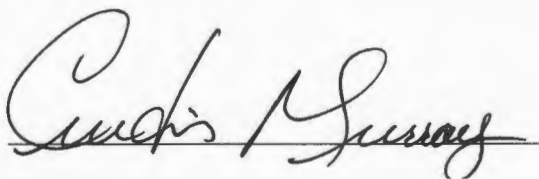
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 10-195 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (shed) to be located in the side yard with a 1.5-foot setback in lieu of the permitted third of the lot farthest removed from the side street and 2.5 foot setback, respectively.

For further information concerning the matters stated herein, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

RECEIVED

FEB 03 2010

ZONING COMMISSIONER

TB 3/15
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 02 2010

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: February 2, 2010
SUBJECT: Zoning Item # 10-195-A
Address 640 Murdak Road
(Davies Property)

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of January 18, 2010.

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

Reviewer: JWJ

Date: 2/2/10

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Jan. 28, 2010

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

RE: Baltimore County
Item No. 2010-0195-A
640 MURDAK RD
DAVIES PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0195-A.

Should you have any questions regarding this matter, please 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).

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey".

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE
640 Murdock Road; NW corner of Murdock *
Road, 25' W of c/line Edgewood Road * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): James & Alise Davies * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-195-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

RECEIVED

FEB 01 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February, 2010, a copy of the foregoing Entry of Appearance was mailed to James & Alise Davies, 640 Murdock Road, Baltimore, MD 21212, Attorney for 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-0071434
640 Murdock Rd**

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 22, 2010

TO: W. Carl Richards, Jr.

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

SUBJECT: Item No: 2010-0195-A
Legal Owner/Petitioner: James and Alise Davies
Contract Purchaser:
Property Address: 640 Murdock Road
Location Description: Northwest corner of Murdock Rd; 25 feet west of
the centerline of Edgewood Rd

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: **Ron Turner**.

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-0071434
Correction Notices
Photographs

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

MF/kh
C: Ron Turner, Code Enforcement Officer



Record # 71434
CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID	DATE ISSUED
FA 0224331	0901351640	12/14/09
NAME(S): James B. Davies Alise A. Davies		
MAILING ADDRESS: 640 MURDOCK ROAD		
CITY: Baltimore, MD	STATE: MD	ZIP CODE: 21212
VIOLATION ADDRESS: Same as above		
CITY: BALTIMORE	STATE: MARYLAND	ZIP CODE:

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
☒ 1B01.1: DR Zones-use regulations
☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)
☐ 1B01.1D: Remove open dump/ junk yard
☐ 431: Remove commercial vehicle(s)
☐ 101; 102.1: Remove contractors equip. storage yard
☐ 101; 102.1; ZCPM: Cease service garage activities
☐ 402: Illegal conversion of dwelling
☐ 101; 102.1; ZCPM: Illegal home occupation
☐ 415A: License/ remove untagged recreation vehicle
☐ 415A: Improperly parked recreation vehicle
☐ 415A: One recreational vehicle per property
☐ 410: Illegal Class II trucking facility
☒ 400: Illegal accessory structure placement.
☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
☐ 102.5: Residential site line violation /obstruction
☐ 408B: Illegal rooming/ boarding house
☐ 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
☐ 13-7-115: County to abate nuisance & lien costs
☐ 13-7-310: Remove all trash & debris from property
☐ 13-7-312: Remove accumulations of debris, materials, etc
☐ 13-7-201(2): Cease stagnant pool water
☐ 12-3-106: Remove animal feces daily
☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
☐ 13-4-201(b)(d): Store garbage in containers w/tight lids
☒ 35-2-301: Obtain building/ fence/ sign permit
☐ 18-2-601: Remove all obstruction(s) at street, alley, road
☐ 13-7-310(2): Remove bird seed / other food for rats
☐ 32-3-102: Violation of development plan/ site plan
☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C.)

- ☐ 35-5-302(a)(1): 'Unsanitary conditions.
☐ 35-5-302(a)(3): Cease _____ infestation from prop.
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions
☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)
☐ 35-5-302(a)(2): Store all garbage in trash cans
☐ 35-5-302(b)(1): Repair exterior structure
☐ 35-5-302(b)(1)(3): Repair exterior extensions
☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
☐ 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)(iii): Repair roof or horizontal members
☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below)
☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
☐ 35-2-404(a)(1)(iv): Repair exterior chimney
☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations
☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS:

Remove Shed From
the side of place. Shed in
the rear yard 2 1/2 feet away
from rear fence.
Remove 6 FT from the property
or apply for a fence permit at
the County Office building.

☒ 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: 1/14/10 INSPECTOR NAME: R. Turner

PRINT NAME (Rev 9/85)
AGENCY







CASE NAME _____
CASE NUMBER 2010-0195-A
DATE 3-15-10

[illegible]

CASE NAME _____
CASE NUMBER 2010-0195-A
DATE 3-15-10

[illegible]

Case No.: 2010-0195-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	photos of shed and prop	
No. 3	letter in support signed by neighbors	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 2A-H









E







3/14/10

Original

PETITIONER'S

EXHIBIT NO.

3

PETITION FOR VARIANCE

Case # 2010-0195-A

Reference 640 Murdock Rd

Property owners are Jim & Alise Davies

I approve of the requested variance as posted at 640 Murdock Road.

Address

NAME

Signature

637 MURDOCK JON MORGAN

for paper

640 IS A WELL-MAINTAINED PROPERTY AND

THE CURRENT PLACEMENT OF THE SHED IS ACCEPTABLE

635 Murdock Rd Tamara Karwacki

Tamara Karwacki

I just noticed the shed today 3/14 when Jim stopped by with this paper.

635 Murdock Road Kevin Karwacki

K. M. K.

633 Murdock Rd. Jeffrey Lembke

JE

631 Murdock Rd. Anne Jones

I walk passed the shed everyday with my kids and it's fine where it is currently.

627 Murdock Rd. Linda + Jeff Vigilanti

L. J.

I do not think there is a problem with the location. I am Anno with where it is. It is well hidden.

629 MURDOCK RD BOB & JAN O'BRIEN

BOB & JAN

3/14/10

Original

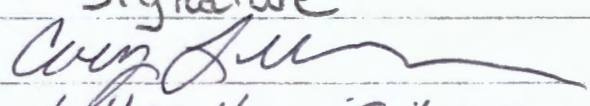
PETITION FOR VARIANCE

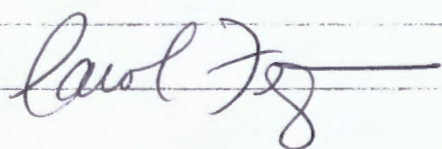
CASE # 2010-0195-A

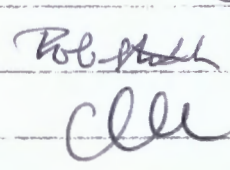
REFERENCE 640 MURDOCK RD

PROPERTY OWNERS ARE JIM & ALISE DAVIES

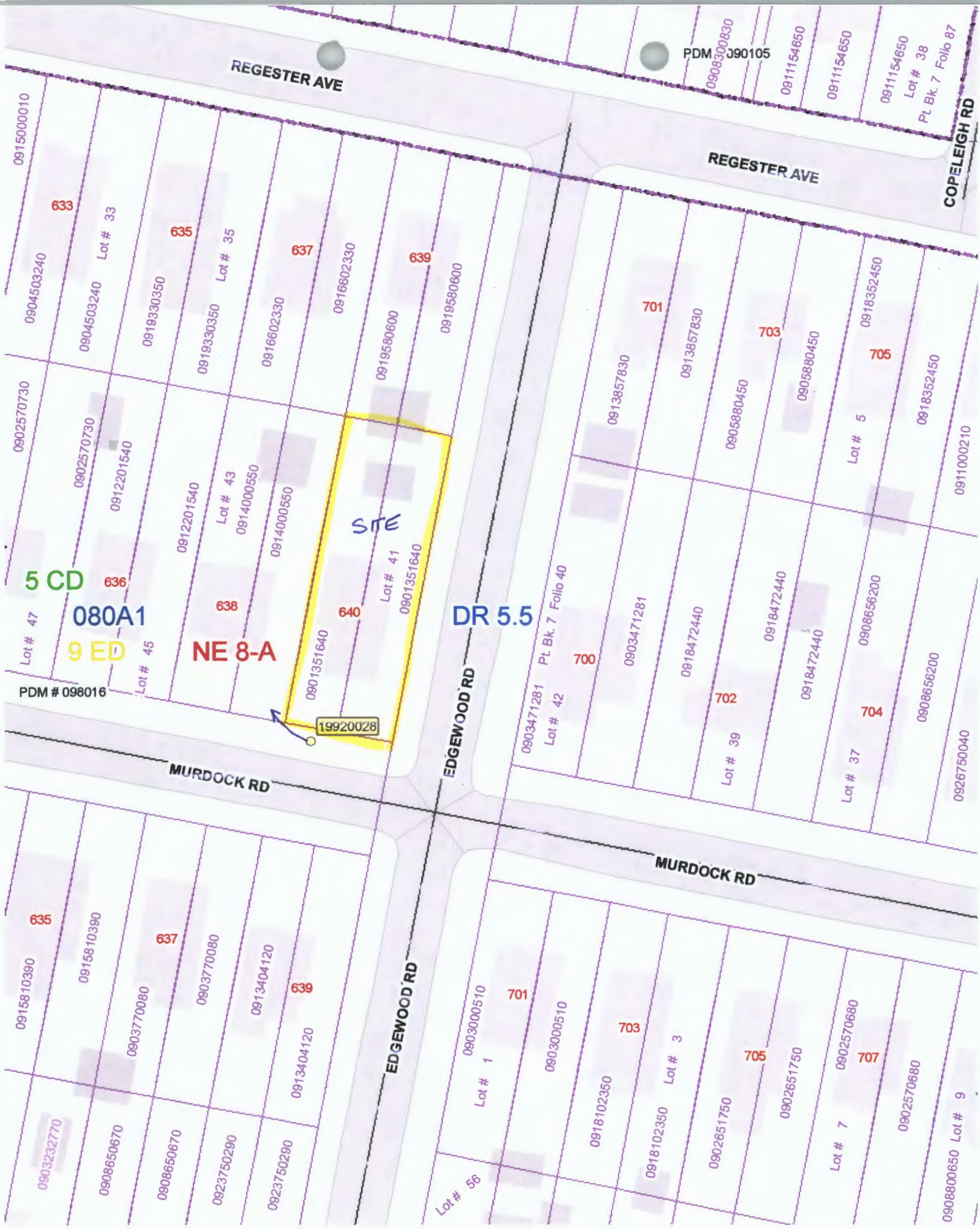
I approve of the requested variance as posted at 640 Murdock Road.

<u>Address</u>	<u>NAME</u>	<u>Signature</u>
636 Murdock Rd.	Cory Lucas	
Current location of the shed looks better than if it were to be moved to the back yard.		

637 Murdock Road	Carol Frigo	
I have no problem with the shed and its location.		

639 Murdock Rd	Rob + Cara Stretch	
I live directly across the street & have no problem with the shed in that location.		

701 Murdock Rd	Balt MD 21212	June G. Purdon	June G. Purdon
I walk my dog past 640 Murdock Rd several days and the location of the shed is acceptable.			



REGISTER AVE

REGISTER AVE

COPELEIGH RD

5 CD
080A1
9 ED

NE 8-A

DR 5.5

PDM # 098016

MURDOCK RD

EDGEWOOD RD

MURDOCK RD

EDGEWOOD RD

2010-0195-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 640 MURDOCK RD

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

SUBDIVISION NAME ANNESLIE

PLAT BOOK # 7 FOLIO # 40 LOT # 41 SECTION # _____

OWNER JAMES & ALISE DAVIES

REGISTER

MURDOCK

SUBJECT
PROPERTY

PETITIONER'S

EXHIBIT NO. 1

EDGEWOOD



VICINITY MAP
SCALE: 1" = 200'

LOCATION INFORMATION

ELECTION DISTRICT 9TH

COUNCILMANIC DISTRICT 5TH

1" = 200' SCALE MAP # 080A1

ZONING DR 5.5

LOT SIZE 6,250
ACREAGE 0.143 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/ BUILDING	☐	☒
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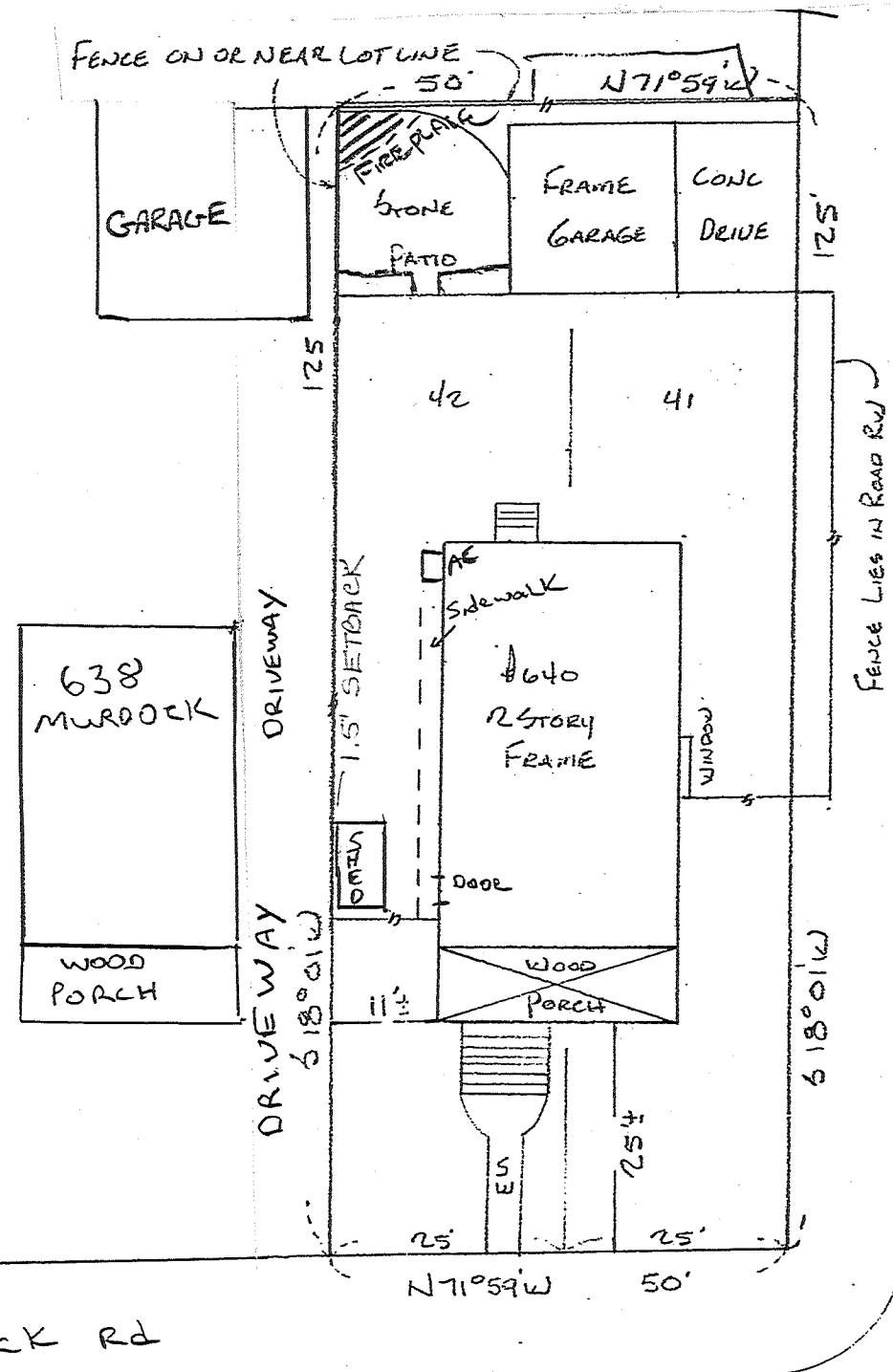
PRIOR ZONING HEARING CORRECTION NOTICE
CASE # FA0224331

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

D.T.

0195

2010-0195-A



NORTH

PREPARED BY J.D.

SCALE OF DRAWING: 1" = 20'