

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE – W/S Reynolds Road,
1,550' S of c/line Vinegar Hill Road *
(11706 Reynolds Road) *
11th Election District *
3rd Council District *

Randall W. Mattheu, et ux
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2010-0354-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Randall W. Mattheu and his wife, Irene K. Mattheu. The Petitioners request a special hearing to approve a proposed detached accessory structure (garage) with an area footprint larger than that of the principal dwelling. In addition, variance relief is requested from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the proposed accessory structure to have a height of 20 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Randall and Irene Mattheu, property owners. There were no Protestants or other interested persons present nor, as will be discussed below, were there any adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

Testimony and evidence offered revealed that the subject property, 11706 Reynolds Road, is an irregularly shaped parcel, consisting of approximately 1.09 acres, more or less, zoned R.C.5 and located on the west side of Reynolds Road in Kingsville. Ingress/egress is by way of

ORDER RECEIVED FOR FILING

Date

By

8-25-10

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a paved panhandle driveway that extends westerly from Reynolds Road some 600 feet past the Hipley residence at 11708 Reynolds Road. The subject property is improved with a two-story dwelling built in 1958, consisting of 1,872 square feet, more or less, with a footprint of approximately 936 square feet on the first floor as evidenced by Maryland Department of Assessments and Taxation Real Property Data Search and contained within the case file. The subject property is also improved with a collapsed garage and carport, which is the subject of the zoning hearing before me. These accessory structures are to be razed and reconstructed as one garage that will resemble a "pole barn" (60' x 40').

In support of the requested relief, Mr. Mattheu testified that he grew up in the dwelling on the subject property. Mr. Mattheu explained that his father purchased the home in 1963 and that the dwelling was passed down to him and his siblings upon his father's passing and that he thereafter in 1999 bought his siblings' shares of the house to acquire sole ownership of the property. Mr. Mattheu stated that there were two (2) accessory structures located in the southwestern rear portion of the property but that these structures were destroyed during the recent substantial winter snowfalls. These structures protected the Petitioners' boats, lawn tractor and equipment and bee keeping supplies, honey and hives from the elements. Petitioners submitted photographs that clearly illustrate that the carport was completely destroyed by the nearly 60 inches of snow received December through January. These photographs were marked and accepted into evidence as Petitioners' Exhibit 2. Mr. Mattheu works for Baltimore County as a diesel mechanic specializing in ambulances and fire engines but performs no automotive repairs or services on the property. The Mattheu's desire to consolidate the two (2) broken down existing structures into one accessory pole barn structure that is being purchased from Pincer Pole Building Specialists. Having the structure at a height of 20 feet will allow for complete boat coverage and easy access as a standard 7-foot overhead door with a 15-foot high garage would not be

sufficient to allow the boats on trailers to enter. The extra space will allow for additional storage of lawn and garden supplies, boat items and bee keeping materials. Further testimony indicated that the proposed location is the only practicable place for the proposed garage due to the location of Gunpowder Falls State Park to the rear of the home, the unique panhandle configuration, location of the principal dwelling and the environmental constraints of the home. The property is heavily wooded with mature pine trees and an open meadow to the south of the home. Petitioners' explained that their nearest neighbor is buffered from the view of the proposed garage by the significant number of pine trees separating the properties. This new improvement will benefit the overall appearance of the property, as the two (2) existing sheds will be razed.

The determination of a variance request from the Zoning Regulations is governed by Section 307.1 of the B.C.Z.R., as interpreted by the Court of Special Appeals of Maryland in *Cromwell v. Ward*, 102 Md. App. 691 (1995). As indicated by the Court in *Cromwell*, "the general rule is that variances and exceptions are to be granted sparingly, only in rare instances and under peculiar and exceptional circumstances." 102 Md. App. at 700. The two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result.

After due consideration of the testimony and evidence presented, I am persuaded that Petitioners have met the requirements of Section 307 of the B.C.Z.R. and relief should be granted. There is adequate evidence that the subject property is peculiar, unusual and unique. Factors such as the subject property's location in the rear of a panhandle lot abutting Gunpowder Falls State Park with significant environmental constraints serve as special circumstances or conditions that combine to render the property unique in a zoning sense. Further, I find that strict compliance with the Zoning Regulations would create a hardship that would result in a

denial of a reasonable and sufficient use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). Additionally, since the property is removed from the road and is buffered from the adjacent property by mature Pine forest, minimal adverse consequences will result from the approval of the requested zoning relief. Moreover, it is of note that there was not one adverse Zoning Advisory Committee (ZAC) comment received from any of the County reviewing agencies. However, the Office of Planning has requested that approval be conditioned to exclude conversions for living space and/or commercial uses.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of August 2010 that the Petitions for Special Hearing and Variance seeking relief, pursuant to Sections 500.7 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (pole barn) with an area footprint larger than that of the principal dwelling and with a height of 20 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioners' Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners or their assigns shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

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Date

8-25-10

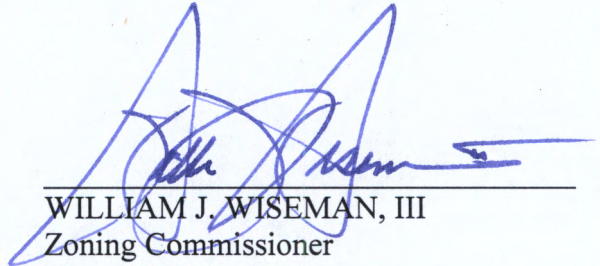
By

193

- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

8-25-10

By

103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 24, 2010

Randall W. Mattheu
Irene K. Mattheu
11706 Reynolds Road
Kingsville, Maryland 21087

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S Reynolds Road, 1,550' S of c/line Vinegar Hill Road
(11706 Reynolds Road)
11th Election District - 3rd Council District
Randall W. Mattheu, et ux – Petitioners
Case No. 2010-0354-SPHA

Dear Mr. and Mrs. Mattheu:

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.

WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: People's Counsel, Office of Planning, DEPRM; File

ORIGINAL KEEP IN FILE



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11706 REYNOLDS RD
which is presently zoned RC5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve A PROPOSED ACCESSORY STRUCTURE (GARAGE) THAT IS LARGER THAN THE DWELLING AS LIMITED BY SECTION 101 BCZR DEFINITION OF ACCESSORY STRUCTURE.

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

I, or we, agree to pay expenses of above Special Hearing, 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):

RANDALL W MATTHEU
Name - Type or Print

Randall W Mattheu
Signature

IRENE K MATTHEU
Name - Type or Print

Irene K. Mattheu
Signature

11706 REYNOLDS RD 4105927332
Address Telephone No.
KINGSVILLE MD 21087
City State Zip Code

Representative to be Contacted:

RANDALL MATTHEU
Name

11706 REYNOLDS RD 4105927332
Address Telephone No.
KINGSVILLE MD 21087
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

Case No. 2010 0354 SPHA * UNAVAILABLE FOR HEARING 1ST WK OF AUGUST,

REV 9/15/98

Reviewed By JL Date 6/15/10

ORDER RECEIVED FOR FILING

Date 8-25-10

By MSW

ORIGINAL KEEP IN FILE



TAX ACCOUNT # 11111302401710

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11706 REYNOLDS RD

which is presently zoned RCS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner 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 BCZR TO PERMIT A PROPOSED ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 20 FT. IN LIEU OF THE MAXIMUM PERMITTED 15 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Hardship: Snow storms collapsed 28x30' garage

Roof damage to 10x10' Block building
Practical difficulty: One building rather than two.
See Attached.

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 Date

Address

By

Telephone No.

City

State

Zip Code

Legal Owner(s):

RANDALL W MATTHEU

Name - Type or Print

Signature

IRENE K. MATTHEU

Name - Type or Print

Signature

11706 REYNOLDS RD 4105927332

Address

Telephone No.

KINGSVILLE

MD

21087

City

State

Zip Code

Representative to be Contacted:

RANDALL MATTHEU

Name

11706 REYNOLDS RD 4105927332

Address

Telephone No.

KINGSVILLE

MD

21087

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

* UNAVAILABLE FOR HEARING

1ST WK OF AUG

Reviewed By IL

Date 6/16/10

Case No. 2010 0354 SPA

0354

Petition for ~~Administrative~~ Variance

Due to the hardship caused by the February 2010 snowstorms, the owners of 11706 Reynolds Rd want to replace the 28 x 30' garage that collapsed following that snowstorm and the small 10 x 10' block building, the roof of which was damaged during these storms. When we replace this garage structure, we would also like to demolish the small building next to the garage and add that space into the new garage structure. The variance would be needed to do this because the height of the new building would be 20 feet tall (maximum height rule is 15 feet tall now). Our previous garage was greater than 15 feet tall. *Larger garage doors are needed for boat/trailer storage.*

special hearing
A ~~second variance~~ is needed because of the size of the garage, which would be greater than the footprint of our house. The new dimensions of the garage would be 40 x 60 feet. This is not over half the width of our lot.

The use of the garage would be for personal use to store:

- 2 Boats, camper, antique tractor
- Tools
- Bee equipment
- Hunting, fishing, and crabbing equipment
- Gardening equipment

The old structure was a steel building, which was erected in 1999. The new structure would be a pole building with an under roof open storage area on the side. We believe that this structure would be more in harmony with its setting than the previous 2 structures. Since our property is reached by an access road, we believe that this new structure would pose no hardship to our neighbors whose homes are closer to Reynolds Rd. We do not believe that this would pose a threat to public safety. Our property backs up to Gunpowder State Park. There is nothing stored here that could possibly harm citizens. We have a well and a septic system, however we do not expect any increase in water usage.

Randall Mattheu
Irene Mattheu
11706 Reynolds Rd.
Kingsville, MD, 21087
Home 410-592-7332
Cell 443-790-6253
Work 410-887-8314

Zoning Description

Zoning description for 11706 Reynolds Rd, Kingsville, MD 21087

WEST SIDE OF REYNOLDS RD, 1550 FT SOUTH OF
VINEGAR HILL RD TO THE POINT OF

Beginning at a point on the N 73 30" E line and 14 ' from the centerline of Reynolds Rd, the property has a 15 foot wide access area with a 9 feet wide paved driveway. After N 73 30' 334", this driveway becomes part of a rectangular property that is N 73 30" E 321, S 17 33" E 140', S 73 30" W 334", N 13 30" W 137' for a total of 1.07 acres. This is as recorded in deed reference 13789 / 735.

0354

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 0354 SPHA

Petitioner: MATTHEU

Address or Location: 11706 REYNOLDS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: RANDALL MATTHEU

Address: 11706 REYNOLDS RD

KINGSVILLE MD 21087

Telephone Number: 410 592 7332 CELL ~~410~~ 443 7906253

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/ Obj	Rev/ Sub Obj				

Total: _____

Rec

From: _____

For: _____

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: # 2010-0354-SPHA

11706 Reynolds Road

W/side of Reynolds Road, 1550 feet south of Vinegar Hill Road

11th Election District — 3rd Councilmanic District

Legal Owner(s): Randall & Irene Mattheu

Special Hearing: for a proposed accessory structure (garage) that is larger than the dwelling as limited by section 101 BCZR definition of accessory structure. **Variance:** to permit a proposed accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet.

Hearing: Tuesday, August 17, 2010 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 8/622 August 3

249412

CERTIFICATE OF PUBLICATION

8/5/, 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 8/3/, 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: 07/25/2010

Case Number: 2010-0354-SPHA

Petitioner / Developer: MR. & MRS. MATTHEU

Date of Hearing (Closing): AUGUST 17, 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:
11706 REYNOLDS ROAD

The sign(s) were posted on: JULY 25, 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, August 3, 2010 Issue - Jeffersonian

Please forward billing to:
Randall Mattheu
11706 Reynolds Road
Kingsville, MD 21087

410-592-7332

NOTICE OF ZONING HEARING

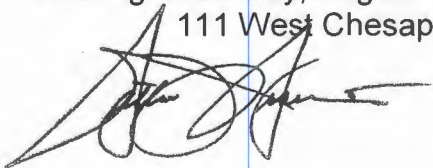
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0354-SPHA

11706 Reynolds Road
W/side of Reynolds Road, 1550 feet south of Vinegar Hill Road
11th Election District – 3rd Councilmanic District
Legal Owners: Randall & Irene Mattheu

Special Hearing for a proposed accessory structure (garage) that is larger than the dwelling as limited by section 101 BCZR definition of accessory structure. Variance to permit a proposed accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet.

Hearing: Tuesday, August 17, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

July 7, 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: 2010-0354-SPHA

11706 Reynolds Road

W/side of Reynolds Road, 1550 feet south of Vinegar Hill Road

11th Election District – 3rd Councilmanic District

Legal Owners: Randall & Irene Matheu

Special Hearing for a proposed accessory structure (garage) that is larger than the dwelling as limited by section 1101 BCZR definition of accessory structure. Variance to permit a proposed accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet.

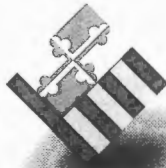
Hearing: Tuesday, August 17, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Matheu, 11706 Reynolds Road, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 2, 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

August 13, 2010

Randall & Irene Matthey
11706 Reynolds Rd.
Kingsville, MD 21087

Dear: Randall & Irene Matthey

RE: Case Number 2010-0354-SPHA, 11706 Reynolds Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 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

BW 8/17 11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 14 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: July 13, 2010
SUBJECT: Zoning Item # 10-354-SPHA
Address 11706 Reynolds Road
(Matheu Property)

Zoning Advisory Committee Meeting of June 21, 2010

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

The proposed garage (building permit) will be reviewed by Groundwater Mgmt., for well and septic setbacks.

Reviewer: Dan Esser

Date: 6/29/10

BW 8/17 11Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 1, 2010

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

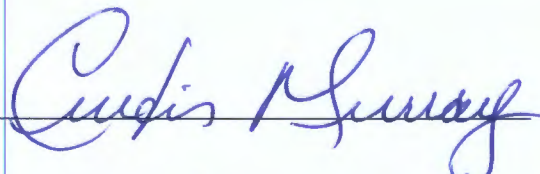
SUBJECT: 10-354 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:



Division Chief:



AFK/LL: CM

RECEIVED

JUL 12 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 23, 2010

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

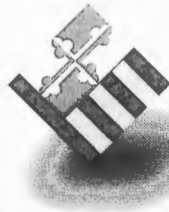
SUBJECT: Zoning Advisory Committee Meeting
For July 5, 2010
Item Nos. 2010- 331, 345, 346, 347,
348, 349, 350, 351, 352, 353, 354,
and 355

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07052010 -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

June 21, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: June 21, 2010

Item No.: **Administrative Variance:** 2010-0331A, 2010-0345A - 0353A,
2010-0355A.

Special Hearing Variance: 2010-0354-SPHA

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the 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
410-887-4880
Mail Stop: 1102

cc: File



State Highway
Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-24-2010

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

RE: Baltimore County
Item No. 2010-0354-SHA
11706 REYNOLDS ROAD
MATHEW PROPERTY
SPECIAL HEARING -
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. 2010-0354-SHA.

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,

Foster 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 1.800.735.2256 Statewide Toll Free

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
11706 Reynolds Road; W/S Reynolds Road, * ZONING COMMISSIONER
1550' S of Vinegar Hill Road *
11th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Randall & Irene Mattheu *
Petitioner(s) * BALTIMORE COUNTY
* 10-354-SPHA

* * * * *

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

JUN 23 2010

.....

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 23rd day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to Randall Mattheu, 11706 Reynolds Road, Kingsville, MD 21087, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/17 - 11am

CASE NO. 2010- 6354-SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose No Comment</u>
<u>6-23</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>7-14</u>	DEPRM	<u>Comments</u>
<u>6-21</u>	FIRE DEPARTMENT	<u>None</u>
<u>7-12</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>6-24</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING <u>None -</u>	(Case No. _____)	
<u>Per search of data base + Orders - 8-13-10</u>		
NEWSPAPER ADVERTISEMENT	Date: <u>8-3-10</u>	
SIGN POSTING	Date: <u>7-25-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

ZAC AGENDA

Distrib.
Dis. Mtg. 6/21 *Responses due 7-5*

Case Number: 2010-0354-SPHA

Primary Use: Commercial

Reviewer: JLL

Type: SPECIAL HEARING VARIANCE

Legal Owner: Randall and Irene Matheu

Contract Purchaser:

Critical Area: NO

Flood Plain: NO

Historic: NO

Election Dist: 11th

Councilmanic Dist: 3rd

Property Address: 11706 Reynolds Rd

Location: West side of Reynolds Road; 1550 feet south of Vinegar Hill Road.

Existing Zoning: RC-5

Area: 1.07 Acres

Proposed Zoning: SPECIAL HEARING A proposed accessory structure (garage) that is larger than the dwelling as limited by section 101 BCZR definition of accessory structure.

VARIANCE To permit a proposed accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet.

Attorney:

Miscellaneous:

Case Number: 2010-0355-A

Primary Use: Residential

Reviewer: JNP

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Rushi and Kalpana Bhatt

Contract Purchaser:

Critical Area: NO

Flood Plain: NO

Historic: NO

Election Dist: 4th

Councilmanic Dist: 2nd

Property Address: 324 Brushwood Dr

Location: North east side of Brushwood Drive, 721 feet north of Academy Avenue.

Existing Zoning: DR-3.5

Area: 6827.8 Square Feet

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit a proposed addition (sunroom) and open projection (deck) with rear yard setbacks of 16 feet, respectively, in lieu of the minimum required 30 feet and 22 1/2 feet, respectively, and to amend the Latest Final Development Plan for The Roland Property, lot 1 only.

Attorney:

Miscellaneous: The closing date for this case is: 07/12/2010

CASE NAME Matthew (u)
CASE NUMBER 2010-0354-SP/A
DATE 08/17/10

[illegible]

Case No.: 2010-0354 - SPHA 11706 Reynolds Road.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	PHOTO'S OF COLLAPSED GARAGE	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

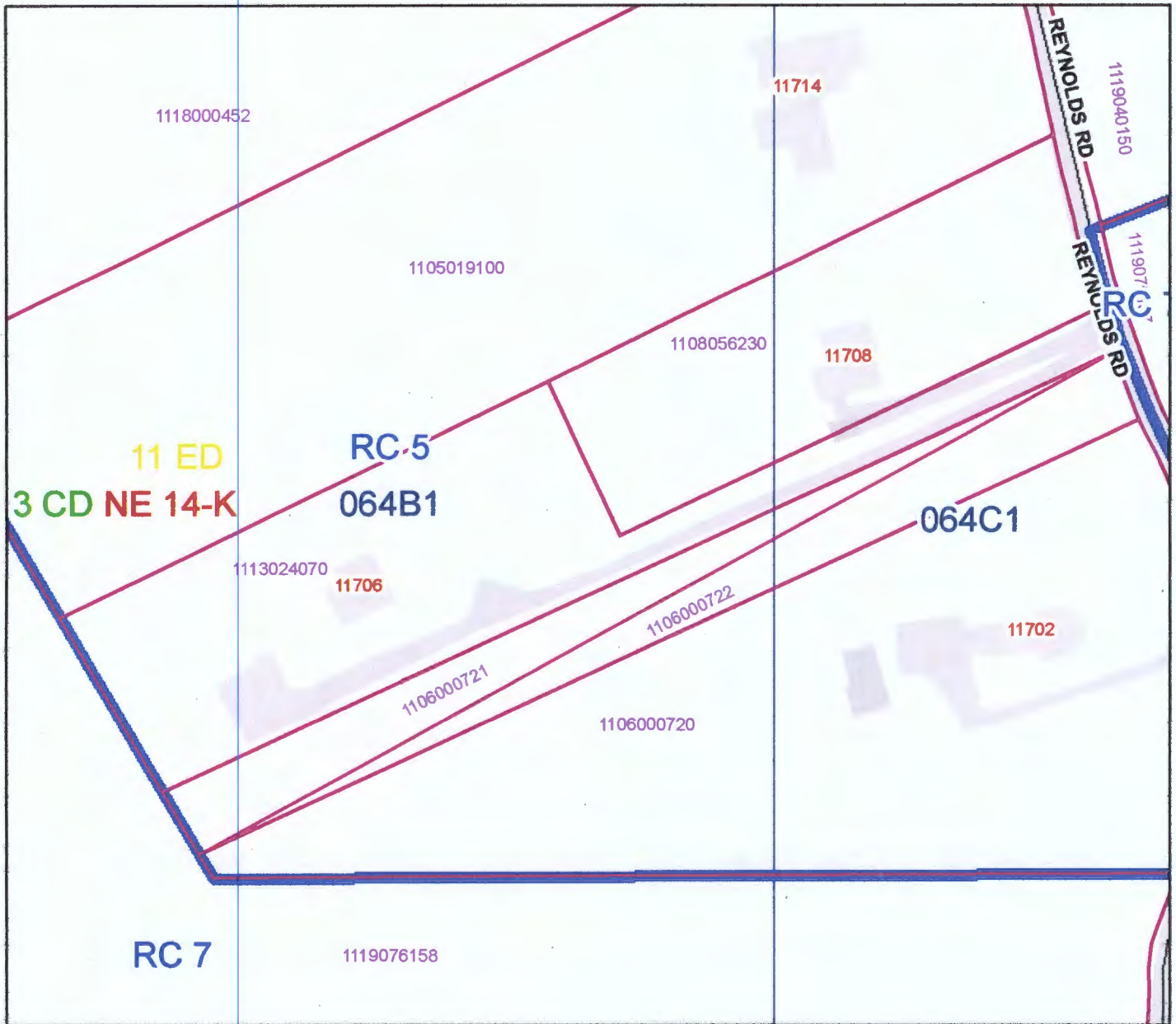
PETITIONER'S

EXHIBIT NO. 2A-2B





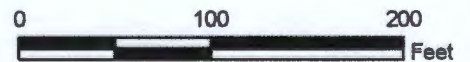
11706 Reynolds Road



0354



Publication Date: June 02, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 100 feet

PROPERTY ADDRESS 11706 REYNOLDS RD

SUBDIVISION NAME N/A

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER RANDALL W M ATTHEU / IRENE K MATTHEU



NORTH

SCALE OF DRAWING: 1" = 50'

ELECTION DISTRICT 11TH

COUNCILMANIC DISTRICT 3RD

1" = 200' SCALE MAP # 064B1 + 064C1

ZONING RC 5

LOT SIZE 1.07
ACREAGE SQUARE FEET

SEWER PUBLIC PRIVATE ☐ ☒

WATER ☐ ☒

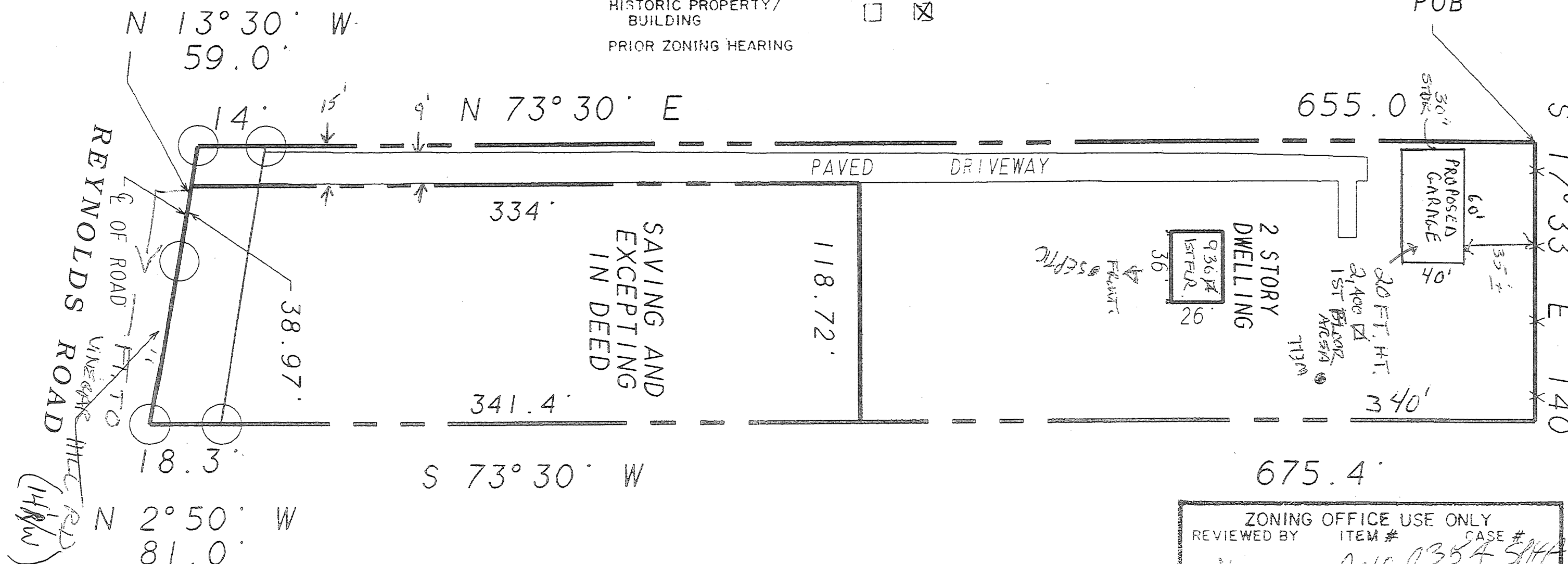
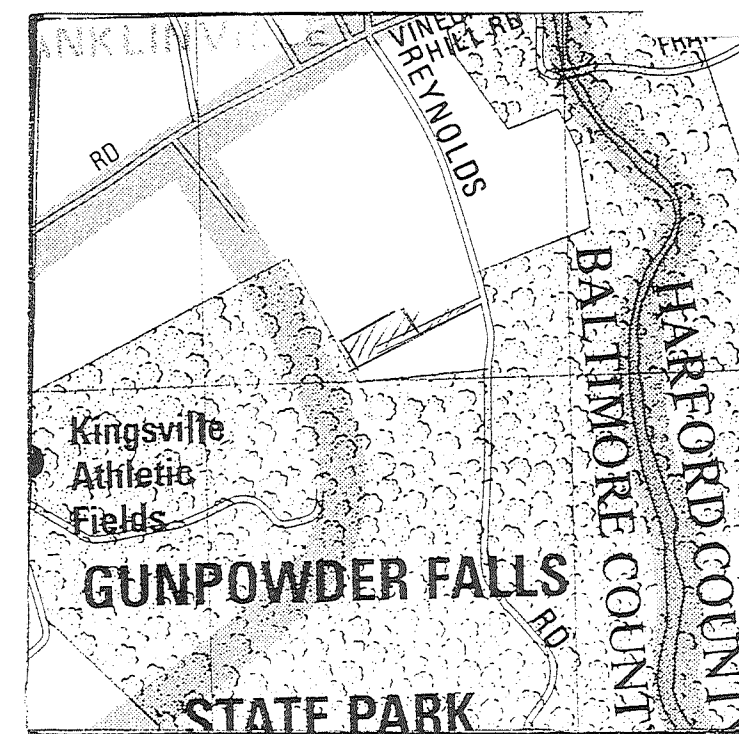
CHESAPEAKE BAY
CRITICAL AREA

YES ☐ NO ☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING



ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____
JL 2010 0354 SPH