11/8/12

RE:	**GREGORY P. BELCER**		
	HELENE D. BELCHER	*	**BEFORE THE**
	LEGAL OWNERS/PETITIONERS		
	PETITION FOR VARIANCE	*	**BOARD OF APPEALS**
	4315 Northcliff Road		
		*	**FOR**
	11th Election District	*	**BALTIMORE COUNTY**
	3rd Councilmanic District		
		*	**Case No. 12-198-A**

* * * * * * * * * * * * *

OPINION

This case comes before the Board of Appeals as a result of Petitioners, Gregory P. Belcher and Helene D. Belcher seeking zoning approval in the form of a Variance to allow an accessory structure (garage / barn) to be located in the front yard with a height of twenty-two (22) feet located at 4315 Northcliff Road , Glen Arm, Maryland 21057. The Variance request is from Section 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.).

A hearing was held before the Baltimore County Board of Appeals on June 16, 2010. Petitioner's request was opposed by Ramprasad Venkatraman and Nirmala Ramprasad. Gregory P. and Helene D. Belcher, Appellees, were represented by Deborah C. Dopkin, Esquire. Ramprasad Venkatraman and Nirmala Ramprasad, Protestants, were represented by Michael E. Leaf, Esquire. Memorandums in lieu of closing arguments, were filed on September 14, 2012 and a Public Deliberation was held on Wednesday, October 17, 2012.

BACKGROUND

The Petitioner filed a Petition for Administrative Variance and the subject property had a closing date of March 19, 2012. On March 14, 2012 , Ramprasad Venkatraman of 4310 Northcliff Road requested a formal hearing on the matter. A hearing before Judge Stahl of the Office of Administrative Hearings (OAH) was held on April 12, 2012. Judge Stahl approved the

request for a variance citing there were no adverse comments received from any of the County reviewing agencies. Judge Stahl , in his Order dated May 8, 2012, did place restrictions on petitioners use of the structures and design of the structure.

Ramprasad Venkatraman and his wife, Nirmala Ramprasad, filed a timely appeal of Judge Stahl's decision. The appeal was heard by the Board of Appeals for Baltimore County on August 16, 2012.

At the August 16, 2012 hearing, John Trueschler, a licensed landscape architect was accepted as an expert in land planning and landscape architectural and testified on behalf of the Petitioners. Mr. Trueschler presented several exhibits including aerial photographs, site plans, photographs of the site, alternative locations for the garage/barn and provided testimony of the history and characteristics of the property. The property is a 3.2 acre parcel in the Glen Arm area, improved by an 1854 farmhouse. Once part of a larger estate, property was sold off into two residential subdivisions. The property was improved by an addition in 1911 and also contains a spring/pump house and a horse shed.

Mr. Trueshler testified at length concerning the benefits of the variance. He presented a chart which demonstrated that allowing the height variance would not disturb adjoining properties or cast shadows on adjoining properties. Mr. Trueschler also testified that the variance would have a minimal impact on adjoining properties. Mr. Trueschler also presented credible evidence of the practical difficulties locating the barn/garage at other possible locations would present. These practical difficulties included drainage and outfall issues as well as the health of specimen trees.

Mr. and Mrs. Belcher purchased the property in 2008. They have worked diligently to improve the property, upgrading electrical and mechanical systems and recapturing the pasture

area which had become overgrown. It is their intention to restore the pasture area for crops and horses.

The Belcher's testified that they seek the variance in order to not disturb the specimen trees of the property and to build a historically significant replica of a 1854 Barn to be compatible with the structures of that time. The Belcher's testified that granting the variance to allow the garage/ barn to be built in the front yard at an increased height of twenty-two feet is ideal as that area is impervious, it is already screened by existing foliage, it doesn't disturb any of the existing specimen or mature trees and allows for the maximum development of the pasture area for crops and horses. The barn/garage would be constructed using materials from the 1850's to replicate a property of that time.

Mrs. Nirmala Ramprasad also testified at the hearing. She opposed the variance as the garage would be visible from her house and a burden to her property. Her property sits well below the subject property and the additional height and location of the garage/barn would burden her property. Mr. Ramprasad Venkatraman was concerned about possible runoff and testified that other options were viable for the location of the garage/barn.

DECISION

Maryland jurisprudence is well established regarding the factors to be considered when contemplating variance relief.

Baltimore County Zoning Regulations, Section 307.1, in pertinent part, states as follows:

> "...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...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 for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height,

area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

In *McLean v. Soley*, 270 Md. 216 (1973) the court established the following criteria for determining practical difficulty or unreasonable hardship:

"1) Whether compliance with the strict letter of the restrictions governing various variances would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

"2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

"3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

Further, in *North v. St. Mary's County*, 99 Md.App. 502 (1994) the Court held that

"...the 'unique' aspect of a variance requirement does not refer to the extent of improvements on the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls." Id at 514

In the Court of Special Appeals in *Cromwell v. Ward,* 102 Md.App. 691 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. **It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." *Id.* at 698.**

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... *Id.* at 710.

Petitioner's Argument

The Petitioner argues that the property is unique under BCZR 307.1 as the shape of the parcel is unique and that the parcel is the only one in the immediate area large enough to be cultivated for crops and livestock. The Petitioner also claims that the property is unique because it is the only property with a house that pre-dates the Civil War and which is largely unchanged from its original construction. Finally, the Petitioner claims the property is unique because by granting the variance as many as seven specimen trees required to be preserved under Baltimore County Code would be preserved.

While the Board does not dispute that Petitioners have met the burden of proof for the practical difficulty test, the Board must first make a determination as to whether the Petitioners property is "unique" established in *Cromwell*.

While the Board still concedes that the Petitioner's situation may constitute "unique" circumstances, we are not satisfied that the subject property has unique physical characteristics that would satisfy the requirements found in *Cromwell*.

CONCLUSION

This Board is not persuaded that the Petitioner has illustrated uniqueness of its parcel to deviate from standing zoning requirements its property. Consequently, Petitioner's requested Variance relief is DENIED.

ORDER

THEREFORE, IT IS THIS 8th day of November, 2012 by the Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for a variance from Section 400.01 and 400.3 of the BCZR, to permit an accessory structure (garage/barn) to be located in the front yard with a height of twenty-two (22) feet in lieu of the required rear yard and 15 height limit is hereby **DENIED.**

Any Petition for Judicial Review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Wendell H. Grier, Chairman

Wendy A. Zerwitz

David L. Thurston

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
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410-887-3180
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November 8, 2012

Deborah C. Dopkin, Esquire
Deborah C. Dopkin, P.A.
P.O. Box 323
Brooklandville, Maryland 21022

Michael E. Leaf, Esquire
PK Law
139 North Main Street, Suite 100
Bel Air, MD 21014

RE: *In the Matter of: Gregory and Helene Belcher*
Case No.: 12-198-A

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Gregory and Helene Belcher
Ramprasad Venkatraman and Nirmala Ramprasad
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

9/14/12

IN RE: PETITION FOR ADMIN. VARIANCE S/side of Northcliff Road, 854' SE Of the c/line of Manor Road (4315 Northcliff Road)	*	BEFORE THE
	*	
11th Election District 3rd Councilmanic District	*	COUNTY BOARD OF
	*	APPEALS
	*	OF
	*	BALTIMORE COUNTY
Gregory P. and Helene D. Belcher, Petitioners	*	
	*	Case No. 2012-0198-A

RECEIVED
SEP 14 2012
BALTIMORE COUNTY
BOARD OF APPEALS

* *

APPELLEE'S MEMORANDUM

Gregory P. and Helene D. Belcher, Appellee, by their attorney, Deborah C. Dopkin, and Deborah C. Dopkin, P.A., respectfully submit this Memorandum in support of Petition for Variances.

STATEMENT OF THE CASE

Appellee, the Petitioners below, submitted a Petition for Administrative Variances seeking relief from Section 400.1 and 400.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory structure (garage/barn) to be located in the front yard with a height of 22 feet, in lieu of the required rear yard and 15 feet height, respectively.

Appellants filed a timely request for a formal hearing on this matter. A hearing was subsequently held on April 12, 2012, before Administrative Law Judge Lawrence M. Stahl. Judge Stahl issued an Order and Opinion, dated May 8, 2012, substantially granting the requested relief.

Appellant noted an appeal of the Zoning Commissioner's Order granting the Petitions to the County Board of Appeals of Baltimore County. A hearing was held before the County Board of Appeals on August 16, 2012.

BALTIMORE COUNTY ZONING REGULATIONS

The applicable Baltimore County Zoning Regulations are found in SECTION 307, Variances

§ 307.1. Authority to grant variances; procedures and restrictions.

> The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations 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 for Baltimore County would result in practical difficulty or unreasonable hardship.* .... any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. (emphasis added)

And further found in Section 300, Exceptions to the height regulations:

§ 300.1. Applicability.

> A. The height limitations of these regulations *shall not apply to barns and silos, grain elevators or other accessory agricultural buildings,* nor to church spires, belfries, cupolas, domes, radio or television aerials, drive-in theater screens, observation, transmission or radio towers, or poles, flagstaffs, chimneys, parapet walls which extend not more than four feet above the limiting height, bulkheads, water tanks and towers, elevator shafts, penthouses and similar structures, provided that any such structures shall not have a horizontal area greater than 25% of the roof area of the building. (emphasis added)

STANDARD OF REVIEW

A court's role in "reviewing the decision of an administrative agency is limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law," e.g., Richmarr Holly Hills, Inc. v. American PCS, L.P., 117 Md. App. 607, 652 (1997) (citing Lee v. M-NCPPC, 107 Md. App. 486, 492 (1995). Friends of the Ridge v. Baltimore Gas and Elec. Co., 120 Md. App. 444, 465 (1998), *vacated in part*, 352 Md. 645.

Judicial review of factual issues is very narrow. Maryland cases hold that the standard in reviewing a decision of an administrative agency is limited to whether the question before the Board was fairly debatable. For factual findings, "the correct test ... is whether the issue before the administrative body is `fairly debatable,' that is, whether its determination is based upon evidence from which reasonable persons could come to different conclusions." White v. North, 356 Md. 31, 736 A.2d 1072 (1999).

For its conclusion to be fairly debatable, the administrative agency overseeing the variance decision must have `substantial evidence' on the record supporting its decision. See Mayor of Annapolis v. Annapolis Waterfront Co., 284 Md. 383, 395, 396 A.2d 1080, 1087 (1979); Montgomery County v. Woodward & Lothrop, Inc., 280 Md. 686, 706, 376 A.2d 483,495 (1977), cert. denied sub nom. Funger v. Montgomery County, 434 U.S. 1067, 98 S.Ct. 1245, 55 L.Ed.2d 769 (1978); Agneslane, Inc. v. Lucas, 247 Md. 612, 619, 233 A.2d 757, 761 (1967). "Whether reasoning minds could reasonably reach a conclusion from facts in the record is the essential test." Stansbury v. Jones, 372 Md. 172, 812 A.2d 312 (Md., 2002).

FACTS

The Belcher Property is a 3.2 ± Acre parcel in the Glen Arm area of Baltimore County, improved by an 1854 farmhouse, with an addition from 1911. Testimony by John Trueschler, a landscape architect who was admitted as an expert witness, indicates that the Belcher property is all that remains of an original larger estate, which was sold off and developed as two residential subdivisions. To the south is the plat of "Meadow Cliff" which is recorded among the plat records of Baltimore County, Maryland, in Plat Book 20, page 51, recorded July 22, 1954. To the north is the plat of "Harvested" which is recorded among the plat records of Baltimore County, Maryland, in Plat Book 35, page 79, recorded May 9, 1972. In addition to the existing residence, the property is improved by a spring/pump house and a horse shed.

Access to the property is by way of an existing driveway from the cul-de-sac of Northcliff Road roughly parallel and near the north edge of the property, ending in a triangular area now used to park and store vehicles and farm equipment. The driveway and parking area are level and considered impervious based on the highly compacted gravel surface containing fine aggregates. According to Mr. Trueschler, the driveway appears to have existed in its present location and served the house for many years.

The property is irregularly shaped, and is distinguished by a semi-circle of mature, grand, Norway Spruce specimen trees which frame the front of the house. Though these trees are of uncertain age, they are ninety to one hundred feet tall and approximately 36" in diameter. In addition, at two specimen size maple trees shade the front and side of the house. The house and trees are visible in a number of photo exhibits submitted by Petitioner.

Mr. and Mrs. Belcher acquired the property in 2008, and since that time, they have restored the house to good condition, upgrading electrical and mechanical systems as needed. In addition, Mr. Belcher has been recapturing the pasture area which had become overgrown, with the intention of restoring it for crops and horses.

The subject petition seeks variances to erect a barn-like structure to store farm equipment and personal vehicles. The requested location and the one preferred by Mr. and Mrs. Belcher, shown on Petitioner's Exhibit 7, is on the side of the existing farm house in the area already in use for vehicle parking, rather than in the rear of the house. This portion of the site was deemed best for the structure because of its existing use as vehicle storage, because it is impervious, because it is screened by existing foliage, and because it does not result in

additional disturbed area, and importantly, because it does not require the destruction of any of the specimen or mature trees on the property. The location also maximizes the land available for pasture and cultivation.

The roof line of the proposed storage building (sometimes referred to as a garage or a barn) raises the need for the second variance for a height of 22' in lieu of the required 15'. The proposed barn/garage design was chosen upon advice from an architect because the style and materials are historically consistent with the period and architecture of the house. The setting and proposed landscaping would result in the building 'blending in' with surrounding foliage, and have a minimal visual impact on adjoiners.

DISCUSSION

The law as to variances has been clearly spelled out by the Maryland Courts.

The test for granting a variance is two part, the first step being the requirement of uniqueness of the subject property, a requirement expressly established by the Zoning Code and by the courts. The first step requires a finding that the property "is in and of itself--unique and unusual in a manner different from the nature of surrounding properties. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied." Cromwell v. Ward, 102 Md. App 691, 651 A.2d 424, 430 (1995), 694; In Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md. App. 324, 653 A.2d 532 (1995).

Earlier variance cases reach the same conclusion. See Easter v. Mayor and City Council of Baltimore, 195 Md. 395, 73 A.2d 491 (1950) and Marino v. Mayor and City Council of Baltimore, 215 Md. 206, 137 A.2d 198 (1957).

UNIQUENESS

This property and improvements clearly meet the first step and the requirement of BCZR §307.1, that there exist "*special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.*"

The property and structures are unique, particularly when contrasted to other parcels in the area. The shape is irregular. The parcel is the only property in the immediate area that is large enough to be cultivated for crops or livestock, thus preserving the rural and agricultural nature of the area. The property is the only one of all the surrounding residential properties that has a house that pre-dates the Civil War and which is largely unchanged from its original construction. Further, the site enjoys not one, but at least seven specimen trees required to be preserved under Baltimore County Code §33-6-111(b)(5)(i). None of these conditions apply to nearby properties in the area.

PRACTICAL DIFFICULTY

The second step in the process involves a determination of whether practical difficulty and/or unreasonable hardship exists, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness. Further consideration must then be given to the general purposes of the zoning ordinance. Cromwell, Page 695

In this case, the strict application of the zoning regulations creates practical difficulty because of the property's many unique features and affects this property in a way entirely different than any other property in the area.

Mr. Belcher engaged Mr. Trueschler's firm Tesseract Sites, Inc. to conduct an analysis of alternate locations for the barn/garage.

The alternate locations studied by Mr. Trueschler were in the rear yard, and would comply with locational criteria of the bulk regulations for the zone. Appellee's Exhibit 9 charted the impact of the alternate locations as opposed to the proposed location. To build in either of the alternate locations (shown on Petitioners Exhibits 5 & 6) involves disturbing significant areas to clear and grade, creating lengthy areas of impervious paved driveways and removing mature and specimen trees. The location proposed by the Belchers involves no new disturbance, no new impervious areas, and no loss of trees. In fact, the Belchers propose to add trees on the two sides of the barn/garage to supplement the existing foliage and provide an additional screen from Appellant's property.

To build the barn/garage in the rear yard creates many adverse impacts: an increase in storm water runoff; significant disturbance and unnecessary increases of impervious areas, contrary to Baltimore County Stormwater Management Regulations (BCC §§ 33-4-106.1); prohibited removal of specimen trees where an alternative location for the barn/garage is readily available; loss of tillable pastureland. As Mr. Trueschler testified, under the County Code protecting water quality, streams and wetlands, to justify removing the specimen trees, the property owner would have to conduct an alternatives analysis and apply for a variance of Forest Conservation Regulations. Baltimore County Code § 33-3-106. Because the barn/garage can be installed on the existing driveway without the need to remove specimen trees, the forest conservation alternatives analysis would fail to support the grant of a variance of those regulations. In addition, BCZR § 1A04.1 states that one purpose of the R.C.5 zone is to assure that encroachments onto productive or critical natural resource areas will be minimized.

To limit the height of the barn/garage – which as a barn arguably is exempt from the height limit of fifteen feet under Section 300.1 – would be inconsistent with the architecture of the farm structure and the period which it exemplifies. The proposed design provides utilitarian functions (equipment storage and a loft), consistent with rural uses.

R.C. 5 PERFORMANCE STANDARDS

The Cromwell case also directs that consideration be given to the general purposes of the zoning ordinance. Cromwell, Page 695 In this case, limiting the height is also inconsistent with the specific purposes of the R.C. 5 and the very explicit performance standard that zone articulates.

Those standards are intended "to ensure that rural residential development conforms with a quality of design that maintains and reflects the rural character of the County." BCZR § 1A04.4. The performance standards offer further guidance as to the purpose of the R.C. 5 zoning regulations. § 1A04.4.D.

Though not an exhaustive list, the BCZR require that site planning consider the following criteria:

> a. Reflect the traditional rural character of the area in architectural form, scale, materials, detailing and landscaping context.
>
> b. Retain the existing quality vegetation of the site to the fullest extent possible and protect the root systems of the remaining vegetation during construction.
>
> c. Integrate, where possible, significant features of the site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows,

monuments, landmarks and gardens, into the site design, and retain the existing character of the features and their settings.

d. Coordinate building design, site layout, and grading so that grade transitions are gradual and respect the existing topography.

e. Provide for smooth transitions between the proposed development and the surrounding rural area by arranging and orienting the proposed buildings and site improvements to complement those in the surrounding vicinity.

The zoning regulations recognize that one may deviate from the performance standards to allow compliance with environmental regulations or to otherwise protect resources. § 1A04.4.B.4. That same rationale should be applied to the requested variances, since if permitted, the requested proposed design would maintain the rural character in architectural form, scale, materials, detailing and landscaping, retain and protect existing vegetation, integrate specimen trees and coordinate the proposed building with the existing setting and original farmhouse.

NO NEGATIVE IMPACT

Appellants allege that the proposed location of the barn/storage building will negatively impact their property, in particular by being visible to them, by blocking sunlight and by creating additional runoff. The strongest objection arose based on a belief that the building at the proposed height will block the sun.

Tesseract also prepared a shade study to determine whether the proposed barn/garage, if built to 22' in height, would block sunlight from reaching Appellant's home. Appellee's Exhibit 8 illustrates the arc of travel and angle of the sun at sunset in the winter, when the sun is low in the sky, and in the summer when it is not. Based on the study, the existing white pines along the road outside Appellant's house and the existing spruce and maple trees on the Belcher property cast a shadow on Appellant's house, whether or not the barn/garage is built. A picture obtained by Appellant (entered by Petitioners as Exhibit 16), clearly shows the entrance to Appellant's house in the shadow cast by the white pine trees along the road. Though it is not clear when the picture was taken, the trees appear to be in full leaf. In winter, when the sun is lower in the sky, these same trees undoubtedly cast a longer shadow. After analyzing the data, Mr. Trueschler was stated unequivocally that the height of the building would not affect light reaching Appellant's house.

Mr. Trueschler also addressed whether the barn/garage would have a negative visual impact. Though it may be possible to see the barn/garage building from Appellant's property, one would have to look hard to do so. Appellant's property is at a lower grade than the Belcher property and is shielded by two lines of vegetation – the first being the white pines along Appellant's driveway, the second being the existing trees on the Belcher property. Mr. Belcher testified that the proposed building material is eastern hemlock that would be finished in a dark wooden stain to blend in with the landscape. Mr. Belcher further testified that he would plant on two sides of the building to provide a third line of visual shield from Appellant's house to mitigate any possible visual impact. To the extent that cars and equipment now sit in plain view, these would be stored in the building, and thereby be shielded from view as well.

Appellants allege that the size and angle of the roof of the proposed building will increase run-off onto their property. Mr. Trueschler refuted this allegation based on the fact that the proposed location is now impervious, and no additional impervious area would result. Mr. Trueschler also noted that the angle of the roof will divert water away from Appellants' property, and could thereby reduce the amount of runoff from that which currently exists.

CONCLUSION

The requested variances meet the two-prong test of Cromwell v. Ward: conditions exist that are peculiar to the land and structures, and because of those conditions, the zoning regulations affect this property in a manner different from other properties in the zone such that strict compliance results in a practical difficulty for a permitted use. In addition, granting the requested variances would be in harmony with the spirit and intent as well as with the performance standards and purposes of the R.C.5 regulations. If built and screened in the manner proposed, the relief, if granted, would be without injury to public health, safety and general welfare and without injury to adjoining property owners or the environment.

Applying established rules of statutory construction to the underlying issues and applicable sections of the Baltimore County Zoning Regulations and the Baltimore County Code, Petitioner/Appellee submits that the record before the Board was based on substantial evidence and was fairly debatable. For these reasons, Petitioner submits that the decision of the Administrative Law Judge of Baltimore County should be affirmed.

Respectfully submitted,

Deborah C. Dopkin, Esquire
P.O. Box 323
Brooklandville, Maryland 21022
Attorney for Appellee
410-821-0200

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 14 day of September, 2012, a copy of the foregoing Memorandum in Support was hand delivered or mailed, postage prepaid to Mr. Ramprasad Venkatraman and Mrs. Nirmala Ramprasad, 4310 Northcliff Road, Glen Arm, Maryland 21057, Appellant.

Deborah C. Dopkin

Table of Points and Authority

9/13/12

RE:	PETITION FOR ADMINISTRATIVE VARIANCE s/Side of Northcliff Road, 845' SE of the c/line of Manor Road (4315 Northcliff Road) 11th Election District 3rd Council District	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 12-198A
	Gregory P. Belcher and Helene D. Belcher, Petitioners	*	

* * * * * * * * * * * * *

RECEIVED
SEP 14 2012
BALTIMORE COUNTY
BOARD OF APPEALS

MEMORANDUM OF OPPONENTS RAMPRASAD VENKATRAMAN AND NIRMALA RAMPRASAD

STATEMENT OF CASE

Gregory Belcher and Helene Belcher, Petitioners, filed a Petition requesting an administrative variance to allow them to construct a barn and garage structure in the front yard of the property located at 4315 Northcliff Road, Glen Arm, Maryland. Petitioners requested variances from Section 400.01 and 400.3 of the Baltimore Zoning Regulations (BCZR), to permit an accessory structure (garage/barn) to be located in the front yard with a height of 22 feet in lieu of the required rear yard and 15 height limit, respectively. The matter was originally filed as an administrative variance request. On March 14, 2012, Ramprasad Venkatraman of 4310 Northcliff Road requested a formal hearing. The hearing before the Administrative Law Judge was conducted on April 12, 2012. The Administrative Law Judge issued an Order and Opinion granting the requested variances. Ramprasad Venkatraman and his wife, Nirmala Ramprasad, filed a timely Appeal. The case was heard de novo by the County Board of Appeals for Baltimore County on August 16, 2012. The CBA requested written memoranda from the Petitioners and the Opponents with a due date of September 14, 2012. Deliberations are scheduled for October 11, 2012 at 9:15 a.m.

QUESTIONS PRESENTED

1. Have Petitioners met their burden to prove that there are special (i.e., unique) circumstances which justify the granting of the variance?

2. Have Petitioners met their burden to prove that strict compliance with the Zoning Regulations of Baltimore County would result in practical difficulty as a result of any special circumstances?

3. Have Petitioners met their burden to prove that the variances can be granted in strict harmony with the spirit and intent of the height and area regulations?

4. Have Petitioners met their burden to prove that the variances may be granted without injury to the public health, safety and general welfare?

APPLICABLE BCZR PROVISIONS

Section 400.1 states in part "Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof." (Emphasis supplied.)

Section 400.3 states "The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet." (Emphasis supplied.)

Section 307.1 provides that, "The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations 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 for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area

regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification". (Emphasis supplied.)

STATEMENT OF FACTS

John Trueschler, a licensed landscape architect, was accepted as an expert in land planning, landscape architecture, zoning and development. Mr. Trueschler presented a number of exhibits including aerial photographs, photographs of the Petitioner's house and surrounding houses, site plans and other exhibits. Mr. Trueschler characterized the area surrounding the subject property as primarily residential zoned RC5. This area was subdivided many years ago. Petitioners' property contains over three acres of land. Petitioner's house was built in 1854. The house sits back a substantial distance from the cul de sac. There is a long hard packed driveway which is an impervious surface. The property has very large trees, including a 48 inch sugar maple. Mr. Trueschler stated that a few of the trees are considered specimen trees which are protected by Baltimore County regulations. There is also a pump house in the front yard and a stable in the area behind the house which was referred to as a pasture. The neighboring houses were built during the 1950's, 1960's and 1970's. Mr. Trueschler stated that there are no streams, wetlands or buffers on the property. Mr. Trueschler stated that the barn/garage structure chosen by Petitioners would satisfy the Baltimore County performance standards because of its architectural compatibility with Petitioners' house.

Mr. Trueschler explained an alternative analysis that he performed. He said that three alternative locations were considered. Alternate 1 is the preferred location which requires the set back variance. Alternate 1 was preferred because of the existing impervious surface, protection of the maple trees, and the ability to construct the barn type structure on a slab without excavation and without having to provide storm water management. The proposed barn if placed at alternative 1 would be approximately 115 feet from the front of Opponent's house. Mr. Trueschler stated that there is a grade change of approximately six feet from Petitioner's property to the edge of the driveway and an additional four feet from the driveway to Opponent's house for a total differential of 10 feet.

Alternative site 2 was in the backyard of the house. Mr. Trueschler claimed that placing the barn/garage at alternative site 2 would kill a sugar maple. Alternative site 3 is to the side of the house. Mr. Trueschler stated that placing the garage/barn at alternative site 3 would also kill a sugar maple. Mr. Trueschler also claimed that alternative locations 2 and 3 would require a storm water discharge easement across neighboring properties, grading, and storm water management.

Mr. Trueschler presented a chart which he claimed showed that the garage/barn would not cast shadows on the Opponents' property.

Mr. Trueschler stated that the existing trees, bushes and understory which screen the view of the barn but that the barn would still be visible. He stated that evergreens could be planted to further screen the view of the barn from the Opponents' house.

Mr. Trueschler listed the following as special circumstances and practical difficulties: the lot configuration; the lack of a standard front yard; the house sits back from the road; the substantial vegetation on the property; the topography; drainage patterns; and the selection of the

barn that is architecturally compatible with the existing house and the pump house. He said that granting the variance would not create any adverse impact on the public health, safety or welfare.

Mr. Gregory Belcher, one of the Petitioners, testified that the house at 4315 Northcliff Road is his principal residence. He stated that the house was built in 1854 and the property was used as a horse farm at one time before it was subdivided. He said that the house has historic value. He stated that he has researched his property and may try to have it placed on a historical inventory. The property is also improved by a horse shed and pump house. The Belchers have maintained a garden and have introduced beekeeping to the property. Mr. Belcher explained that the barn/garage will be built from a kit of a replica barn from the 1850 era. It will have natural wood and wood roof but he has not sure what color the barn will be. He said that he would blend the a roof color in order to minimize the impact. He stated that many houses have separate garages. Mr. Belcher testified that he is trying to preserve the pasture behind his house and may want to keep a horse on the property. He stated that building the garage at a location other than Alternate 1 would have a greater impact.

Mrs. Nirmala Ramprasad testified that she lives at 4310 Northcliff Road. She testified that the Belcher property is not unique and there are no practical difficulties associated with the barn/garage. She testified that the pasture land is not unique, the Belchers could extend their driveway, and there are no insurmountable issues that could not be resolved to locate the barn/garage at a location other than alternative site 1. Mrs. Ramprasad also testified that her house sits down hill from Petitioners' property and that the water runoff will fall toward the Opponents' house. She stated that the existence of the stable shows that a barn/garage could be built in the pasture area. She stated that the Belchers own a large lot and the barn/garage could be built at a different location on the property. She said that the two story structure would be visible from her house and that the trees are bare in the winter and do not provide year round

screening. Mrs. Ramprasad also testified that the barn would affect the Opponents' privacy since the bedrooms in her house are located in the front of the house. She further stated that the barn/garage located at alternative site 1 would devalue the Opponents' property.

Mrs. Ramprasad stated that the barn/garage would affect the sunlight in the evening at the Opponents' house. She said that the side and back of the barn would be visible from their house. She stated that she and her husband would not object to the building of the barn/garage structure at another location on the Petitioners' property.

Mr. Venkatraman testified that the Baltimore County Zoning Regulations require that the barn/garage be located within the rear yard with a maximum height of 15 feet. He pointed out that Petitioners' property is the largest lot in the area and there are many alternative locations, not just the three locations identified by Mr. Trueschler. Opponents' Exhibit No. 3 shows that there are many buildings but there are no barns located in the front yard and many of the barns are smaller. Petitioners propose to locate a very large barn in the front yard that will be visible to Opponents. Mr. Venkatraman testified that the Baltimore County web site contains information that states that a neighbor cannot build a structure close to the property line. He, too, testified that the barn/garage structure would be too close to the Opponents' property and would exacerbate Opponents' drainage problems due to run off. He stated that the side windows on the barn structure would provide a view of his house. He stated that variances are only to be granted in exceptional circumstances. He said that this variance would reduce the value of his property and be detrimental to the Opponents.

Petitioners proffered through their counsel that Petitioners agree that there will be no windows on the rear of the barn/garage structure and that they would add evergreens to further screen the barn.

At the conclusion of the rebuttal testimony from Mr. Trueschler, a member of the Board asked why the height of the building was 22 feet. Mr. Trueschler stated that this was due to the desire to compliment the architecture of the 1854 house.

ARGUMENT

The requirements that must be satisfied in order to obtain a variance pursuant to Section 307 of the Baltimore County Zoning Regulations were explained by the Court of Special Appeals of Maryland in the case of *Cromwell v. Ward,* 102 Md. App. 691, 651 A.2d 424 (1995). The Court stated in part "We address practical difficulty at some length hereafter. However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact of the Ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties (or unnecessary hardships in use variance cases)." 102 Md. App. 691 at 697. The Court further stated that "The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances", quoting Rathkoph, 3 the Law of Zoning and Planning, Section 38 (1979), 102 Md. App. 691 at 703.

The Court in *Cromwell* observed "what we have recently observed in Baltimore County, and in other jurisdictions as well, in what occurred in the case at bar, is a reversal of the required process. Instead of first determining whether the subject property is unusual or unique, the zoning authorities are first determining whether a practical difficulty or unreasonable hardship exists. That determination is then used to create a unique and unusual situation as to the subject property because surrounding properties do not experience the hardship or difficulty.

In *Mills v. Godlove*, 200 Md. App. 213, 26 A.3d 1034 (2011), the Court of Special Appeals reiterated that when considering a request for a zoning variance, the need sufficient to justify a variance must be substantial and urgent and not merely for the convenience for the applicant. The Court of Special Appeals and the Circuit Court held that the Zoning Board granted the variance primarily for the convenience of the applicants and, therefore, reversed the granting of the variance.

The Court of Special Appeals in *Montgomery County v. Rotwein*, 169 Md. App. 716, 906 A.2d 959 (2006) reversed the decision of the Circuit Court and affirmed the decision of the Board of Appeals denying *Rotwein's* application for a variance. The Board found that the Petitioner had failed to show how the narrowness of the parcel resulted in practical difficulty in complying with the front and side setback requirements. The Court also found that there were other areas in which the garage could be located and that the Petitioners' choice of location was a matter of convenience which did not rise to the level of practical difficulty.

1. Petitioner's property is not unique.

Petitioners have not identified any unique characteristic of their property that justifies the granting of a variance from the requirement that the garage be located outside of the front yard. The factors listed by Mr. Treuschler do not prove that the BCZR have any disproportionate impact on Petitioners' property. Many of the neighboring properties have large trees and other substantial vegetation. The topography is similar. All properties have drainage patterns. The location of the house on the lot has no impact on the siting of the garage in the front yard. Instead, Petitioners have presented evidence as to why they chose to locate a barn/garage in the front yard. The primary reason, obviously, is to avoid having to comply with storm water management requirements. Petitioners want to use an existing impervious area so that they can build a new structure and not have to provide any storm water management at all.

The difficulties that Petitioners rely upon result from the requirements of other non-zoning laws, including the storm water management laws and the laws that restrict the destruction of specimen trees, not the application of the zoning laws to unique characteristics of the parcel of land owned by Petitioners. It was noted by both the Opponents and the Petitioners that Petitioners' parcel is actually larger than the other lots in the area. Therefore, Petitioners have more area in which to locate a garage/barn that will satisfy the requirement that the barn/garage be located in the rear yard. It is clear that this is a case in which the choice of location was based upon the convenience of the Petitioner, and not due to any difficulty that resulted from the application of the Zoning Regulations as a result of any special or unique conditions.

There were absolutely no unique circumstances to justify the height limit of 15 feet. The only explanation given for a 22 foot high garage was the desire to match the architecture of the 1854 house. Again, this is a matter of choice or convenience for the Petitioners, not a difficulty caused by application of the BCZR. (It is noteworthy that Petitioners' expert did not testify to the justification for the height variance until questioned by a member of the Board of Appeals after the conclusion of Petitioners' rebuttal testimony.) Clearly, there are no unique or special circumstances here which would justify the height or area variances in this case.

2. Petitioners failed to prove that strict compliance with the BCZR would result in practical difficulty.

It appears that none of Petitioners difficulties result from the BCZR. Rather, their difficulties result from the storm water management regulations and the laws designed to protect specimen trees. Due to the relatively large size of his lot, there is absolutely no evidence that the requirement that the garage/barn be located in the rear of the house poses any difficulty on Petitioners as a result of the Zoning Regulations. The Baltimore County Council has passed laws

which require that buildings be placed in the rear yard as well as laws that require storm water management and the protection of trees. The fact that a property owner either does not wish to comply with all of these laws and regulations which are designed to protect the public health, safety and welfare is not a justification for obtaining a variance from the BCZR.

3. Petitioners have not proven that the variances can be granted in strict harmony with the spirit and intent of the height and area regulations.

Petitioners want to completely ignore the 15 foot height regulation and the requirement that the barn/garage structure be placed in the rear of the house. Petitioners seek to build a 22 foot high barn right in front of Opponents' house and in the front yard of Petitioners' house. This is a gross violation of the law. There is no way that these variances can be granted in harmony with the spirit and intent of the BCZR. A review of the aerial photographs will show that not a single house in the subdivision has a detached garage constructed in front of the house and within 120 feet of the neighboring house. Permission to build a garage in the proposed location not only violates the BCZR but also sets a bad precedent.

4. Petitioners have not proven that the variances may be granted without injury to the public health, safety and general welfare.

Petitioners wish to locate their garage/barn structure in their front yard about 115 feet from Opponents' house. It will be located on a high spot with Mr. Trueschler testified is about 10 feet higher than Opponents' house. The Opponents' house will be visible from the garage/barn and the garage/barn will be visible from Opponents' house. This will intrude on Opponents' privacy. Further, any water runoff will flow downhill toward Opponents' property. It is disconcerting that this location was apparently chosen because it is the only impervious spot on the property that will not require storm water management. Opponents believe that this structure in proximity to their house will reduce the value of Opponents' property. Opponents

believe that this building will reduce the sunlight. Planting evergreen trees will not guarantee 100% screening because the degree of screening depends upon the height and density of the trees. Furthermore, it will take time for the additional plantings to grow and there are no guarantees that the trees will survive and provide constant screening.

CONCLUSION

The Baltimore County Zoning Regulations and the Maryland Courts of Appeals require strong evidence of specific factors to justify a variance. The property has to be unique and the unique characteristics of the property have to cause practical difficulties resulting from the strict compliance with the Zoning Regulations. Variances are only to be granted in exceptional circumstances. This case does not meet these high standards. This is a case in which a land owner with a very attractive home and large lot wishes to construct an accessory structure in such a way that they will not have to comply with the other applicable county regulations including storm water management laws. Therefore, they have proposed locating a 22 foot high accessory building in the front yard of Petitioners' house and in front of Opponents' house in clear violation of the Baltimore County Zoning Regulations. They cannot and have not produced evidence that there are any special circumstances (unique characteristics) of Petitioners' property that cause practical difficulties resulting from compliance with the requirement that the accessory building be located outside of the front yard and be limited in height to 15 feet. For these reasons, this Board cannot grant a variance requested by Petitioners.

As the Court noted in *Cromwell v. Ward*, it appears that Petitioners have attempted to cobble together the so-called difficulties that they would suffer if they locate the garage/barn somewhere else on their property. But they have failed to prove that their property is unique and that the unique conditions result in practical difficulties when you apply the Zoning Regulations. Petitioners have also failed to prove that the variances can be granted in the spirit of the

Regulations and that the variances can be granted without any adverse impact on the public health, safety or welfare. In order to grant a variance, the Board would have to find that the Petitioners have proven each and every one of these requirements. To put it another way, the Board must deny the request for a variance if the Board finds that the Petitioners have failed to prove any one of these variance requirements. Therefore, the Board must deny Petitioners' application for variances.

ATTACHMENTS

Attached to this Memorandum and Attachments are several attachments prepared by the Opponents themselves. These attachments were not prepared by counsel for Opponents.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2012 a copy of the foregoing Memorandum and Attachments was sent via first class mail to Deborah Dopkin, Esquire, P.O. Box 323, Brooklandville, MD 21022

Prepared by:

Ramprasad Venkatraman & Nirmala Ramprasad

4310 NorthCliff Road , Glen Arm, MD 21057 ***September 12, 2012***

Prior Court Decisions similar to the situation in this case

CASE No 2012-0254-A Office of Administrative Hearings for Baltimore County

Petition for Administrative variance:

Petitioner Kimberly Marie Heid requested variance relief from 400.3. Requesting accessory building (Shed/garage/,) I with height of 18 feet instead of 15 feet.

Under Cromwell an its progeny, to obtain variance relief requires a showing that

1. The property is unique and
2. if variance relief is denied, petitioner will experience a practical difficult and hardship.

Trinity Assembly of God v people's county 407 MD,80 (2008) test was applied.

Petitioner hasn't met this test.

The Honorable Judge said that the petitioner was unable to articulate how her property is unique or whether any special circumstance existed with regard to her lot.

The judge denied the variance.

Decision by: The Honorable Judge was John E . Beverungen, Administrative Law Judge for Baltimore County.

Often cited case for making decisions:

Trinity assembly of God v people's counsel of Baltimore , Peter W. Sheeehan Jr.

http://www.wtplaw.com/documents/2010/06/trinity-assembly-of-god-v-peoples-counsel-for-baltimore-county

Says, that

Zoning authorities and courts applying RLUIPA, however, must resolve whether a given land use limitation constitutes a "substantial burden" and, if necessary, **what constitutes a "compelling government interest"** and the least restrictive means of advancing that interest.

A Baltimore County church sought a variance from the county's Zoning Code, which limited the size of identification signs to twenty-five square feet. The church wished to erect a two-hundred and fifty square-foot sign facing the Baltimore Beltway, and have a large part of the sign's face appear as electronic changeable type. The County Board of Appeals denied the variance on the basis that the church failed to demonstrate, as required by the generally-applicable law of variances, that the property itself was unique and that compliance with the county's sign size law would work a "practical difficulty" on the use of the property. The church responded that the denial of the variance violated RLUIPA. Specifically, the church complained that the denial of the variance imposed a substantial burden on the church's use of its property for religious purposes, because its congregation believed strongly in evangelizing and the requested sign would allow the church to spread scripture verses and uplifting messages and identify itself to would-be parishioners travelling the Beltway. The Board of Appeals rejected the church's RLUIPA argument, finding that its denial of the variance did not impose a substantial burden on the church.

Nirmala Ramprasad & Ramprasad Venkatraman

In our case, the RLUIPA does not apply, because the purpose of land use (4315 Northcliff road, Pettitioner's house) is NOT for used religious purposes.

Another case: 2009-0308-A

The petitioner said, that there are trees that are 100 feet tall and so constructing the barn in another location would mean cutting the trees.
In the case 2009-0308-A, a similar argument was presented by the petitioner when he requested variance for building a garage and setbacks. Mr. Thomas H Bostwick , Dy Zoning Commissioner for Baltimore county , rejected the variation on the following grounds

That there were no features to that property that render it very unique compared to others in the community ... and said,

....in Page 6, Case No 2009-0308-A , Findings of Fact and Conclusions of Law,

"I am persuaded by the petitioner's testimony ... that granting variance would not be in strict harmony with the spirit and intent of the zoning regulations and it would negatively affect the aesthetics and character of the community.

Nirmala Ramprasad & Ramprasad Venkatraman

Your Honor, in the above case, the Judge indeed wanted to uphold the zoning rules with a view to protecting the rights of the neighbor's property owners, but in the prior hearing (Administrative Variance hearing) court, such a consideration was not granted to us

In our situation, almost every house in the community have similar characteristics and there are no unique characteristics that county office has recorded for the petitioner's property.

Case No 2009-0172-A Baltimore county. Russel O Beard (Petitioners)

In this case , the petitioners applied for a dwelling addition with a 3 feet setback in lieu of minimum required 15 feet and 40 feet, the Honorable Judge William J Wiseman III invoked Cromwell V ward 102 MD app 691 (1995), case and applied a three part determination of the variance request.

1. Petitioner must demonstrate that the property at issue is unique.
2. It must be shown the uniqueness of the property results in practical difficulty upon the petitioner if strict compliance with the required.
3. **The petitioner must DEMONSRATE THAT if the variance if granted would not be detrimental other adjunct properties.**

Nirmala Ramprasad & Ramprasad Venkatraman

Your Honor, a) the petitioner's property (4315 Northcliff road) has no feature that makes it very unique that would prevent them from placing the barn elsewhere). They can still construct the barn away from the front side of our property by removing the trees and extending the drive way.

Is it impractical to extend the dive way? Or removing or replanting the trees is impractical or impossible?
Also, the third test, the petitioner has NOT demonstrated that variance would not be detrimental to our property.

We do consider that the barn/garage in the proposed location will cause significant soil erosion, dampness in our basement, loss of aesthetics of our property, stop sunlight to our house; destroy rights of our privacy as the window will be in the line of sight from our bed rooms and reduction of property value. We do not want to have large 'Chinese wall size imposing Garage in front of our house. The petitioners do not satisfy 1, 2 and definitely not item 3 requirement above. We want the court to protect our rights.

Case No 2009-0208-A Baltimore County, Kirk Kness Petitioner,

In this a variance was requested for a structure with a setback of 23 feet in lieu of 37.5 feet .

The Honorable judge Thomas H Bostwick (Deputy Zoning Commissioner of Baltimore county) said

.... The petitioner has several alternatives and could easily design his addition complying with the zoning/setback requirements.

The Judge also said, said " I am compelled in this case to deny Petitioner's variance request based on the pacts and the applicable law which I am duty bound to follow. Unfortunately, **whether the request is for 5 feet or 25, the law treats the request the same and does not account for the degree or extent of the request" and denied the variance.**

Nirmala Ramprasad & Ramprasad Venkatraman

In our situation, the petitioner does have several alternative places in their property (perhaps the largest property in the neighborhood). We did present this in the prior hearing, but unfortunately, the suggestions that the barn could be built elsewhere was not considered.

We want this court also fully apply the 400.3 section, and setback requirements and give value to the example that is presented to the County's Website, that says , construction of an accessory building in front of neighbor's property is illegal.

Case 2009-0160- A Stamatoula Mavrophilipos Petitioner.

In this case the petitioner requested variance to allow a 17 feet garage instead of maximum allowed 15 feet.

The zoning commissioner Mr . William J Wiseman III said,

Variance 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), he said,

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

The Honorable Judge, reviewed the size, topography of the other properties and decided that there was no 'extenuating circumstance" that would allow him to approve the variance and finally he denied the request for variance.

Nirmala Ramprasad & Ramprasad Venkatraman

In our situation, your Honor, the Petitioners have <u>not</u> established any <u>factor/s that can be considered as " extenuating circumstances"</u> that could they not overcome and the extension of the driveway is a practical impossibility.

While one Judge denied a variance of 2 feet, it is very disappointing to know that our case after the prior hearing, the Administrative law Judge approved 7 feet (!) variance in height. Your honor, <u>we request this court to</u> <u>STRICTLY apply the laws as stated by the county.</u>

Case 08-481-A Petitioner Carol A Bacchini.

Variation of **height 23 feet was requested instead of the max 15 feet.**

Judge Thomas H. Bostwick, said "in my judgment <u>the excessive height of the garage will be out of character with the neighborhood, especially the properties on either side of the petitioners property. In my view, the adjacent properties will be ultimately negatively impacted by the constant appended of the garage of this height….. A garage of 23 feet would result in … to the detriment of the other homes in the subdivision.</u>

Nirmala Ramprasad & Ramprasad Venkatraman

Your Honor, if the petitioner is given approval to build a shed of 22 feet tall, as the above case, we will be adversely impacted.

I wish to present to you the above case as a precedence, where the Honorable Judge was sympathetic to the property owners in the neighborhood and request you to deny the variation.

Case 2009-0184-A

Judge William Wiseman III **denied a variance** request for a garage to be located in the side yard at a height of **28 feet in lieu of 15 feet** . The judge said that the sufficient room exists in the yard to locate the garage in conformance with the zoning regulations.

Nirmala Ramprasad & Ramprasad Venkatraman

In our situation also, the petitioner has plenty of space in their property to shift the barn without violating the zoning regulations. I wish, the prior court saw the facts and the truth as Judge William Wiseman III saw in the above "Case 2009-0184-A" case.

Case 08-119-A

Variation denied for an accessory detached garage building to be located within the third of the lot close from the street in lieu of the third of the lot farthest from the street. (**drive way is considered as a street** .. I saw the reference in a website, Baltimore county).

The Honorable Judge Thomas H Bostwick determined that no uniqueness exists in the petitioners property and denied the request.

He also said " I very much agree with the protestants that the industrial look of the structure makes it somewhat of an eyesore to the surrounding neighborhood.. "

Nirmala Ramprasad & Ramprasad Venkatraman

In our situation too, we have identical parameters with the variance request. We request you to deny the variance and request you to apply the factors as the Judge Thomas H. Bostwick measured the merits of the request in the above case and later denied the variance request.

Case 08-187-A

Variance request (400.1) for a detached accessory structure to be **located in the front yard in lieu of required rear : DENIED .**

Petitioners claimed a) trees and tree lines, septic system in the rear yard, , electrical service wires etc as factors demanding the variance.

The judge rejected the request. He also, examined the property map and said " the proposed structure is **not keeping with the community where no one else has a structure of this size in their front yard and so close to the road.**

The Judge also said, that **from the photographs that he saw, the that "there is room on the side of the petitioners house for a garage if they wanted to build there.**

Ramprasad Venkatraman & Nirmala Ramprasad

In our situation, your Honor, we want this court to suggest the petitioner to build the large barn in some other location.

The Judge also made a very good statement " The purpose of the regulation is to keep these structures in the rear yard or at least in the side yard and to preserve the consistency in the area and to ensure that the accessory structures do not dominate the frontage of the properties.

We want this honorable court also, to see the factors that are similar to our situation and deliver denial verdict as the judge Thomas H Bostwick did in the case "Case 08-187-A"

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Case 08-457-A

Variation request (400.1) to permit a garage in the front yard was denied by Judge Thomas H. Bostwick. He said, "…. **The orientation of the dwelling doesn't lend itself to the construction of a garage as proposed site land and therefore, the request is NOT within the spirit and intent of the zoning regulations.** So , I am persuaded to deny the variance"

Ramprasad Venkatraman & Nirmala Ramprasad

Your Honor, the petitioner quoted orientation (grading, sloping etc) in their land as reasons for valid for claiming variance but the petitioner's land in this case is a lot more even compare to ours! and so they can easily shift the barn elsewhere, still respecting 400.1, 400.3 codes.

We request you to see the factors as Judge Thomas H Bostwick saw in the "Case 08-457-A" andd deny the variance request.

Case 2011-0077-A

Variance request to build a shed **20 feet in lieu of 15 feet was denied** by Thomas H Bostwick.

He applied the Cromwell – 2 part test and denied the request and stated " **the petitioner must demonstrate that the variance if granted would be within the spirit and intent of the regulations…. And would not adversely impact the health , safety and general welfare including detriment impact to adjacent properties**.

In our situation, your honor, we will not get sun in the afternoon or in the evening ever.

The Judge, Thomas H Bostwick, also said "**that the height is too large and ... and will be out of character with the neighborhood and in my Judgment will adversely impact the nearby properties.**

Ramprasad Venkatraman & Nirmala Ramprasad

Your Honor, we request you to see the similarity of the factors in our situation and deny the variance as the variance request as it will adversely impact our property.

Case 2010 –0237-A

Judge Thomas H Bostwick denied a variance for a reduction in setback .

He determined in the above case.

a) the petitioners property is much larger than the most of the other dwellings located in the neighborhood
b) The adjacent lot is located downhill from the petitioners property. There is a sharp drop in the elevation the land at the side property line.
c) Possibility that the proposed addition will create a drainage problem on the adjacent lot.

The judge applied the two pronged Cromwell test and denied and said "**I am not persuaded that the size and shape of the petitioners lot in and of itself makes it unique such tha the zoning regulations disproportionately affect the subject property as compared to others in the zoning district.. I must determine whether the request is with in the spirit and intent of the zoning regulations and its impact on adjacent properties.**

The configuration and the orientation of the dwelling does not lend itself to the construction of a garage addition as proposed on the site plan**.. The subject property is UNREMARKABLE when compared to others properties in the general vicinity.**

He also said, that the **" the petitioners dwelling is already substantially large in size than any adjacent dwelling. The proposed garage at the requested site will have an adverse impact on**

the overall appearance and character of the neighborhood., especially, vis a vis other properties nearby.

So, I am persuaded to deny the variance.

Ramprasad Venkatraman & Nirmala Ramprasad

Your Honor, we in our case we have identical factors a, b, and c (as presented above). So, we request you to see the facts as the Judge Thomas H Bostwick saw in the above "Case 2010 – 0237-A" case and deny the variance.

Case 2020-0156 – A

A request for setback reduction denied by the Judge Thomas H Bostwick. He said that the construction of the **garage in the requested place would put this propriety substantially at odds with other existing dwelling nearby. .. and it will adversely impact on the overall appearnce and character of the neighborhood , especially vis-à-vis other properties nearly.**

Ramprasad Venkatraman & Nirmala Ramprasad

Your Honor, we have similar factors in our case . The request for variance will adversely impact our property and hence we request you see the facts as the Judge Thomas H Bostwik saw in the "Case 2020-0156 – A" and deny the variance.

Case 2010-0203-A

Judge Thomas H Bostwick denied a variance request.

Petitioners claimed that due to trees and landscape, it is impractical to erect the shed in the rear yard. They quoted the reasons: It is easier to access to house from shed. The shed siding will match the house. No grading or tree removal necessary if a shed is placed in the requested location. Also, the shed will not go pat the front foot print of the house.

The Judge said , **that the property is unremarkable when compared to other properies I the nearby vicinity.** There are no properties contain shed of similar and significant size in the

location as proposed on the site plan**. There is no compelling reason that the shed cannot be place in the rear yard.**

The **characteristics of the subject site are not unique when compared to other lots in the neighborhood. The proposed structure will have an adverse impact on the overall appearance and character of the neighborhood , especially vis-à-vis other properties nearby**.

So I am persuaded to deny the request.

Ramprasad Venkatraman & Nirmala Ramprasad

Your Honor, we have almost identical situation in our case.

Not willing to remove the tree/s or easy access to the barn from home, or no need for grading or not having to extend the current drive way are not, as the Judge Thomas h Bostwic appreciated, are sound reasons to take exceptions to the zoning regulations.

So we request you deny the variance request.

Prepared by:

Ramprasad Venkatraman & Nirmala Ramprasad

4310 NorthCliff Road , Glen Arm, MD 21057 ***September 12, 2012***

Court of Special Appeals of Md.
Sep term 2004, No 2792.

A few sentences from the case judgment where a variance was requested..

The Judges said with regard to variances are as follows,

"the variance should be granted sparingly."

"the variance should not detrimental to the use and enjoyment of adjoining or neighborhood properties."

" The inherent nature of a variance form setback restrictions tends to disrupt and destroy the uniformity of the special relationships between structures in derogation of the zoning plan. For this reason, the variance should be granted only under special circumstances for "to do otherwise would decimate zonal restrictions and eventually destroy all zoning regulations"

Ramprasad Venkatraman & Nirmala Ramprasad

Your Honor in our situation, there is no very exceptional circumstance that exists in the petitioner's property, and hardship that they cannot practically overcome. (they have not presented any proof) and so, we request you to deny the variance and apply the intent of the law.

Prepared by:

Ramprasad Venkatraman & Nirmala Ramprasad

4310 NorthCliff Road , Glen Arm, MD 21057 ***September 12, 2012***

<u>Summarization – Nirmala Ramprasad & Ramprasad Venkatraman</u>

In summary, we consider that the Petitioners property is NOT unique in any form or shape and there is no county record to show that the 4315 property is unique.(ie it is not a historical importance or Government importance etc).

In fact the petitioner's property is the one of the largest property in the area and they have plenty of opportunity to construct the barn in another place.

In fact there another structure (stable) is already present in their property (refer to the picture) were the barn could be erected/expanded.

While we object to having a large barn/shed in front of our property, we do not have any objection to the petitioner building a barn elsewhere, away from our front side <u>without violating county rules</u>.

We do have the right to claim uniqueness to our property (as our neighbor claims) and so having a very large barn in front of our house will erode uniqueness of our property. The Honorable Judges of the Appeals Court, will have to protect our right too!!

In our situation, the tall barn will prevent sun light in the afternoon and evenings. Also, the window on the right side (in addition to the rear windows) will be in the line of sight from our bedrooms. The reason for this this that our property is at a lower level compared to the petitioner's property.

<u>The zoning laws, setback requirements, are written to protect the rights of people</u>. The county website articulates that very clearly,

"it <u>is NOT legal for my</u> neighbor to build a large shed (garage , storage sheds et) in front of another property. The website Cleary states that the gage must be located on the rear side .. Also there is height limitation of fifteen feet.

Your Honor, the question and answer were placed in the public eyes to eliminate any confusion any party about what are the laws. The laws must be fully respected and obeyed by everyone. I consider that the published material went through a thorough review by able attorneys of the Baltimore county and is legally sound in all respects. If the county felt the setback requirements and height requirements are 'fluid or elastic', they would not have published the perfect example, in the first place.

On one side, the county sets the code 400.3 and clarifies the ruling by placing a perfect example. But the same county system, did not apply the same rule that the county has established. This defeats the very purpose of setting the code 400.3.

I would think that one who established the law (Baltimore County and all of its arms) would follow the law and codes and be a model by adhering, practicing and delivering justice as per the law.

Unfortunately, in the prior hearing the county's code and the example on the website were not fully considered, but the decision was made based on what the petitioners claimed.

Also, if a variance is permitted, it would certainly set "precedence" i.e. what is in the 400.3 code is not what is accepted in the Appeals court.

Your honor, please refer to the areal picture. There are innumerable locations that the property owner of 4315 north cliff road to build a barn without impacting the uniqueness of our property and also NOT VIOLATING the county code.

No other property in the neighborhood has a barn of this size and height in front of any neighborhood property.

Permits, Approvals and Inspections

1

Print

Zoning Review Office Frequently Asked Questions

Q. How can I determine if my neighbor is violating the zoning regulations?

A. To determine if someone is in violation of Baltimore County Zoning Regulations, call the Zoning Review Office at 410-887-3391, or Code Enforcement at 410-887-3352.

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Q. Can you tell me how my property is zoned?

A. By visiting the My Neighborhood Interactive Map users can search for properties, view the zoning, view aerial photography, create custom printable maps and obtain owner information.

Upon the first visit to My Neighborhood, users will be directed to download a one-time Silverlight plug-in directly from Microsoft via a link. If you are using an Apple MAC OS X and need to install Silverlight, do not use the install link provided on the application page. Instead, use the following link to install the proper plug-in: http://www.microsoft.com/mac/otherproducts.mspx.

Presently, this information cannot be provided over the telephone. In the meantime, you, or a representative, are welcome to visit the Zoning Review Office in the County Office Building, 111 W. Chesapeake Avenue, Room 111, Towson, MD 21204. A planner will provide personal assistance to you and no appointment is necessary. If you would like the zoning information certified in written form, you may write a letter to Arnold Jablon, Director of Permits, Approvals and Inspections, at the same address. There is a $10 processing fee for written certification of residential property by the property owner and $50 for all others. Although not required, an accurate site plan will ensure the accuracy of the zoning verification.

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Q. What are the setbacks for my property?

A. If you know the zoning of the particular piece of property, you can contact the Zoning Review Office at 410-887-3391, Monday through Friday from 8 a.m. - 4:30 p.m. Otherwise, you must visit the zoning office in Room 111 in the County Office Building, or write a letter to Arnold Jablon, Director of the Department of Permits, Approvals and Inspections; 111 W. Chesapeake Avenue, Suite 105; Towson, MD 21204.

Q. What zoning regulations must I comply with to construct an addition to my dwelling?

A. To ascertain this information, you must contact 410-887-3391 Monday through Friday from 8 a.m. - 4:30 p.m., or come into the office with the location of the property, size of the addition, type of dwelling (single, group, or semi-detached), book and folio numbers from your deed (if in a recorded subdivision), and name of the recorded subdivision.

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Q. Is it legal for my neighbor to build a large shed close to my property line?

A. Accessory structures (storage sheds, garages, etc.) must be located in the rear yard behind the rear foundation wall line, must occupy no more than 40 percent of the yard, and must be located two and one-half feet from the side and rear property lines. If there is an alley, there must be a minimum setback of fifteen feet from the centerline. There is a height limitation of fifteen feet; and, if located on a corner lot (intersection of two streets), the structure must be situated in the one-half of the lot furthest from the side street. A building permit is required if the structure is over 120 square feet. Information on how to obtain a building permit may be obtained by calling Building Permit Processing at 410 887-3900, Monday through Friday, 8 a.m. - 4:30 p.m.

Back to top

Q. What are the regulations for fences?

A. A permit is required for fences over forty-two inches high (measured vertical to ground, even if the fence is placed on top of a wall). If a fence is erected within an easement and is required to be removed, it would be at the owner's expense. An access easement can not be fenced.

On a corner lot, no fence or other obstruction to vision is permitted higher than three feet within twenty-five feet of the corner of the two streets, fifteen feet of a street and alley, and ten feet of two alleys. A residential fence in a side or rear yard which adjoins a residential front yard cannot exceed forty-two inches if it is setback zero to ten feet, forty eight inches if setback ten to twenty feet, sixty inches if setback twenty to thirty feet, and if setback over thirty feet, there is no height limit. Required pool fences and houses more than two hundred feet apart are exceptions.

No residential fence may exceed a maximum height of forty-two inches in the front yard and six feet in the side and rear yards at the property line. If there is a setback of two feet for every vertical foot over six feet, the maximum height may not exceed ten feet in the side and rear yards.

Additional information can be accessed by visiting or calling the Office of Zoning Review at 410-887-3391.

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Q. How can I obtain an application for signs and fences?

A. Applications for signs and fences can be applied for in person in Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204. Further information may be acquired by calling the Office of Zoning Review at 410-887-3391.

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Q. How can I purchase the Baltimore County Zoning Regulations?

A. To purchase the regulations, contact General Code Publishers at 1-800-836-8834. The Baltimore County Zoning Regulations are available online.

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Main FAQ

Revised May 25, 2012

PK LAW
PESSIN KATZ LAW, P.A.

139 NORTH MAIN STREET
SUITE 100
BEL AIR, MD 21014

TOWSON COLUMBIA BEL AIR CAMBRIDGE

TELEPHONE 410-893-0100
FAX 410-893-0795
WWW.PKLAW.COM

Michael E. Leaf
(410) 893-2333 (Baltimore Line)
(410) 832-5629 (Direct Fax Line)
mleaf@pklaw.com

September 13, 2012

VIA FEDEX OVERNIGHT

Board of Appeals of Baltimore County
Jefferson Building, 2nd Floor, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Administrative Variance, 4314 Northcliff Road,
Gregory P. Belcher and Helene D. Belcher, Petitioners –
Ramprasad Venkatraman and Nirmala Ramprasad, Opponents

Dear Members of the Board:

Enclosed herewith are an original and three copies of the Memorandum and attachments which we are submitting in the above referenced case on behalf of Ramprasad Venkatraman and Nirmala Ramprasad, Opponents.

Sincerely yours,

Michael E. Leaf

MEL/mmt

Enclosures

cc: Mr. and Mrs. Ramprasad Venkatraman (w/encs.)
Deborah Dopkin, Esquire (w/encs.)

5/8/12

IN RE: PETITION FOR ADMIN. VARIANCE S/side of Northcliff Road, 845' SE of the c/line of Manor Road **(4315 Northcliff Road)** 11th Election District 3rd Council District Gregory P. and Helene D. Belcher *Petitioners*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2012-0198-A**

* * * * * * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Gregory P. and Helene D. Belcher. The Petitioners are requesting Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage/barn) to be located in the front yard with a height of 22 feet in lieu of the required rear yard and 15 feet height, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of March 19, 2012. On March 14, 2012, Ramprasad Venkatraman of 4310 Northcliff Road requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, April 12, 2012 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County

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By PM

reviewing agencies.

Appearing at the public hearing held for this case was Petitioners Gregory P. and Helene D. Belcher. Appearing in opposition to the request was Ramprasad Venkatraman and Nirmala Ramprasad, Petitioner's neighbors.

Petitioner Gregory Belcher testified that the subject property is located in Glen Arm, and is improved by a single family dwelling. The lot contains 3,212 square feet and is zoned RC 5. He further testified that his property is in a unique situation. First, the entire rear of the property is pasture land; once behind his residence it quickly slopes downward to the rear of the property. It consists primarily of red maple, cherry and Norwegian maple trees; some of which are approximately 100 feet high. There is no access road of any kind going behind the house. Their only road is that upon which they seek permission to place the subject accessory garage.

He further stated that they are mindful of the privacy needs of Protestant adjacent owners. To that end, Petitioners, who will be utilizing a "kit" to erect the proposed garage, propose to place no windows or doors on the rear of the garage facing Protestants' property. Additionally, they would agree to the imposition of a condition requiring them to construct a buffer between the rear of the proposed garage and the adjacent Protestant neighbors in a manner acceptable and approved by the Baltimore County Landscape Architect.

As to the height variance request, the witness noted that his existing home is 50 feet high, with vinyl wood veneer siding, the same as that proposed to be placed upon the accessory garage. The requested variance to a height of 20 feet for the structure would, in his opinion, compliment the height and bulk of the existing structure and would be sufficiently buffered. In an attempt to continue to "match" the two structures, the pitch of the proposed garage would also approximate that of the existing farm house. In sum, Petitioners belief that the shape and

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By

topography of the site, along with the limitation generated by the placement of the well and septic and buffer constraints, renders the property sufficiently "unique' for purposes of their requested variances. He further takes the position that, without the requested variances, they will be unable to construct the accessory building which, by all other standards, they may do of right.

Protestant Ramprasad Venkatraman's primary concern is privacy. Protestants felt that sunlight on the side of their house facing the proposed garage will be hindered by its location and size. They are also concerned about a subsequent loss of value of their home by virtue of Petitioners' proposed garage, although they could not quantify any perceived loss.

Based upon the testimony and evidence presented, I will grant the request for 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 also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

(1) The property is unique; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioners have met this test.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of any negative comments from County agencies. While I am certainly sympathetic to Mr. Venkatraman's concerns, I believe that the structure will be attractive and well built. In addition, one of Mr. Venkatraman's primary concerns was that the addition would block his view. But under Maryland law, a homeowner

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does not have a legally enforceable right to an unobstructed view across a neighbor's property, unless the homeowner secures a "view easement" or similar property interest. *Chesley v. City of Annapolis*, 176 Md. App. 413, 439 (2007).

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes. Additionally, I will require that no windows, doors or other apertures will be placed on the rear of the proposed accessory structure facing adjacent Protestant neighbors; and that additional buffering be placed between the accessory structure and adjacent Protestants' residence which are deemed appropriate and acceptable to the Baltimore County Landscape Architect.

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

THEREFORE, IT IS ORDERED, this 8th day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage/barn) to be located in the front yard with a height of 22 feet in lieu of the required rear yard and 15 feet height, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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Date 5-8-12

By PM

2. The Petitioners 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.

3. The accessory structure shall not be used for commercial purposes.

4. No windows, doors or other apertures will be placed on the rear of the proposed accessory structure facing adjacent Protestant neighbors.

5. Additional buffering shall be placed between the accessory structure and the adjacent Protestants' residence which are deemed appropriate and acceptable to the Baltimore County Landscape Architect.

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

LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS/pz

ORDER RECEIVED FOR FILING

Date 5-8-12

By

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 8, 2012

GREGORY P. AND HELENE D. BELCHER
4315 NORTHCLIFF ROAD
GLEN ARM MD 21057

Re: Petition for Administrative Variance
Formal Demand for Hearing
Case No. 2012-0198-A
Property: 4315 Northcliff Road

Dear Mr. and Mrs. Belcher:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Ramprasad Venkatraman and Nirmala Ramprasad, 4310 Northcliff Road, Glen Arm MD 21057

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Law of Baltimore County for the property located at:

Address 4315 Northcliff Road **which is presently zoned** RC-5
Deed Reference Liber #14109 / Folio #6 10 Digit Tax Account # _____
Property Owner(s) Printed Name(s) Gregory and Helene Belcher

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
Administrative Variances require that **the Affidavit** on the reverse of this Petition Form be completed / notarized.

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

1. X **ADMINISTRATIVE VARIANCE** from section(s) 400.1 and 400.3 to permit a garage/barn structure be located in the front yard with a height of 22ft. in lieu of the required rear yard and 15 ft. height, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ____ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (*indicate type of work in this space to raze, alter or construct addition to building*)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), 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.
Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Gregory Belcher, Helene Belcher
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

4315 Northcliff Road Glen Arm MD
Mailing Address City State

21057 410-593-9573 gbelcher@lordbalt.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 5-8-18
By

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0198-A **Filing Date** 2/23/12 **Estimated Posting Date** 3/4/12 **Reviewer** BK

Rev 10/12/11

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address:	4315 Northcliff Road	Glen Arm	Maryland	21057
	Print or Type Address of property	City	State	Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

Request for an administrative variance on area and height is based on the following facts:

1. Locating a barn behind the residence would result in significant disruption of the pasture land reserved for animals, wildlife and vegetation.
2. Locating a barn behind the residence would require extension of existing driveway into pasture area causing loss of pasture land use.
3. Locating the proposed barn at the end of the existing driveway would minimize the disruption to the property and not cause harm to surrounding properties. The proposed location has significant trees and brush on all three sides facing adjacent properties which will provide a natural buffer. In addition we will add at least 4 additional evergreens to the back side to provide better screening during the winter months.
4. The height of the proposed barn will not exceed 22 feet, this is typical size of working barns. Most of the trees in the proposed barn area are mature Norwegian maples extending beyond 50 feet high. This will provide coverage so the barn will not be above the tree line.
5. The proposed location will not require removal of any existing trees or brush thereby preserving the natural area around the barn.
6. The proposed location is near the existing electrical power source for the property so access to electricity will not create property disruption.
7. The location is in keeping with the natural flow of the layout of the property.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Affiant

Gregory P. Belcher
Name- Print or Type

Helene Belcher
Signature of Affiant

Helene DM Belcher
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of February 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

GREGORY P. Belcher AND Helene Belcher

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

AS WITNESS my hand and Notaries Seal

Notary Public

8-14-2014
My Commission Expires

MONICA ROVECAMP
NOTARY PUBLIC
MY COMMISSION Expires 8/14/2014

REV. 10/12/11

A0198

The Zoning Hearing Property Description for

4315 Northcliff Road, Glen Arm, MD 21057

Part A

Parcel 1- Beginning at the ½" iron pipe found planted at the beginning of Parcel 1, the three following courses and distances, viz: (1) south 76 degrees 49 minutes 28 seconds west 249.59 feet, (2) north 45 degrees 05 minutes 40 seconds west 202.37 feet, and (3) north 40 degrees 35 minutes 16 seconds west 200.92 feet to a point thereon, thence running for lines of division, as now drawn, the six following courses and distances, viz: (1) north 39 degrees 41 minutes 15 seconds east 244.43 feet, (2) south 33 degrees 51 minutes 40 seconds east 18.77 feet, (3) south 87 degrees 24 minutes 40 seconds east 205.20 feet, (4) south 16 degrees 24 minutes 30 seconds west 112.53 feet, (5) south 33 degrees 56 minutes 30 seconds east 198.44 feet and (6) south 27 degrees 14 minutes 20 seconds east 145.34 feet to the place of beginning; Containing 3.21 acres of land, more or less. **Parcel 2**- Beginning at the ¾" iron pipe found planted at the beginning of parcel 2, north 33 degrees 51 minutes 40 seconds west 118.35 feet, south 85 degrees 46 minutes 44 seconds 25.42 feet, south 33 degrees 51 minutes 40 seconds 96.77 feet, south 39 degrees 41 minutes 15 seconds 18.77 feet to the place of beginning; containing .049 acres of land, more or less.

Part B

Being Parcel #1 and Parcel #2 known and designated as "Parcel A" on the Plat of "Harvested", as recorded in Baltimore County Plat Book O.T.G. #35, Folio #79, containing 3.26 +- acres in lot; the said "Parcel A" encompasses the 15 foot wide right of way to the improvements thereon on being known as 4315 Northcliff Road; Located in the 11th Election District and 3rd Council District.

The lot area of 3.26+- acres on the hearing plan agrees with the zoning description for the property.

#0198

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012-0198-A Address 4315 Northcliff Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/23/12 **Posting Date:** 3/4/12 **Closing Date:** 3/19/12

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2012-0198-A Address 4315 Northcliff Rd.

Petitioner's Name Gregory & Helene Belcher Telephone _____

Posting Date: 3/4/12 **Closing Date:** 3/19/12

Wording for Sign: To Permit a garage/barn with a height of 22 ft. to be located in the front yard in lieu of the required 15 ft. height and rear yard, respectively.

Revised 7/06/11

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2012-0198-A

Petitioner: Gregory P. Belcher

Address or Location: 4315 Northcliff Road Glen Arm, MD 21057

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gregory P. Belcher

Address: 4315 Northcliff Road
Glen Arm, MD 21057

Telephone Number: 410 593-9573

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

No. 81382

Date: 2/23/12

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
0.1	[illegible]	0000		G850				$ 75.00

Total: $ 75.00

Rec From: G. Belcher

For: Zoning Variance

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

Item # 0198

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/23/2012	2/23/2012 09:14:58		5

[illegible] WALKIN RDOS LRB
RECEIPT # 577684 2/23/2012 OFLN
Dept 5 528 ZONING VERIFICATION
MD. 081382
Recpt Tot $75.00
$75.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

RE:CASE NO: 2012-098-A

PETITIONER/DEVELOPER

GREGORY & HELENA BELCHER

DATE OF HEARING/CLOSING:

3/19/12

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING,ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S)REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY AT 4315 NORTHCLIFF RD.

THIS SIGN(S)WERE POSTED ON March 4, 2012.
(MONTH,DAY,YEAR)

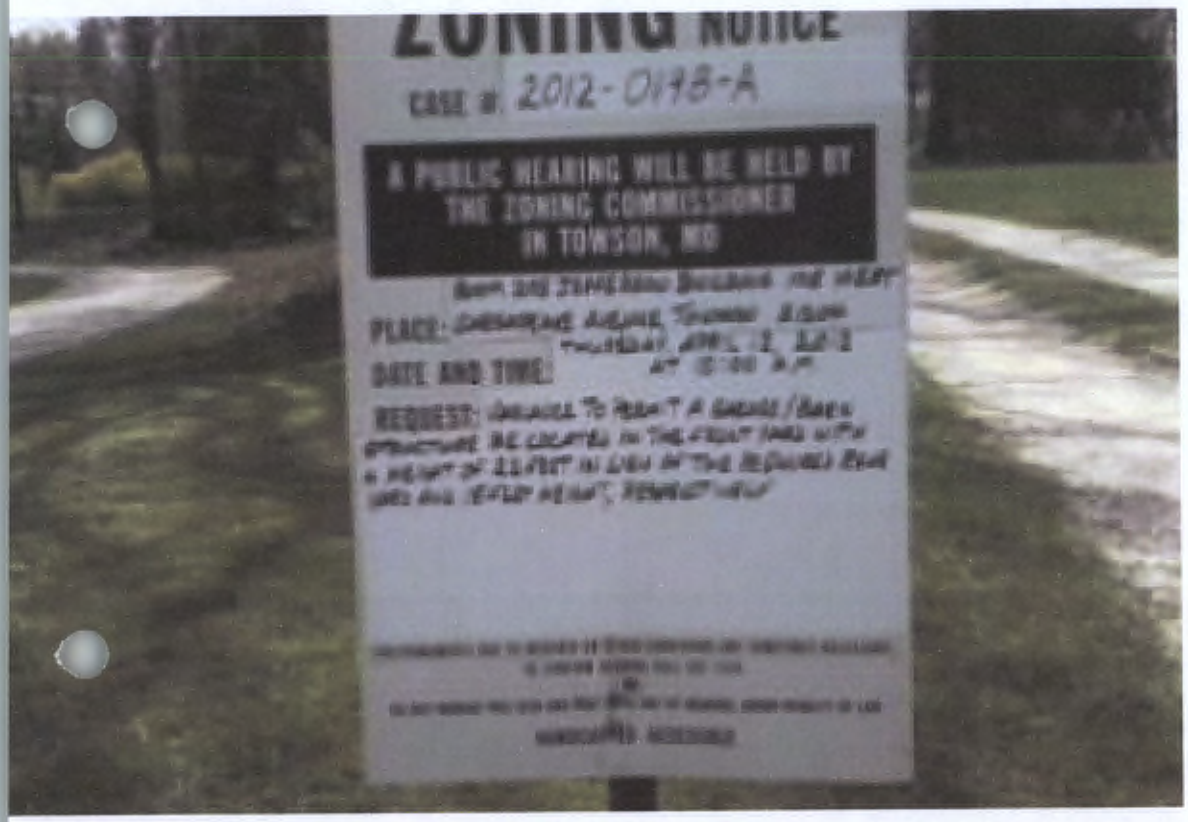
SINCERELY,

Martin Ogle 3/4/12

SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE,MD 21220
(ADDRESS)
PHONE NUMBER:443-629-3411

duplicate pet



Marlon Q 3/28/12

5/18/2012

To

The Manager

Baltimore County Dept.

RECEIVED
MAY 21 2012
OFFICE OF ADMINISTRATIVE HEARINGS

SIR/ Madam,

I wish appeal the decision and request a hearing from the appeals Court.

Ref 2012-0198-A

Property 4315 Northcliff Road

Thanking you

Yours Sincerely

RAM PRASAD VENKATARAMAN

Appellant in case 2012-0198-A will be out of the country & will be available for BOA hearing after Aug. 1, 2012

FORMAL DEMAND FOR HEARING

CASE NUMBER: 2012-0198-A

Address: 4315 Northcliff Rd.

Petitioner(s): Gregory Belcher

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We X RAMPRASAD, VENKATRAMAN
(1st) (Last)
Name - Type or Print

( ) Legal Owner OR (X) Resident of

4310 Northcliff Rd.
Address

Glen Arm MD 21057
City State Zip Code

X 410 440 1143
Telephone Number

which is located approximately 125ft *feet from the property, which is the subject of the above petition,* ***do hereby formally ~~demand~~ that a public hearing be set in this matter.***

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

X _____ 3/14/2012
Signature Date

_____
Signature Date

Revised 9/18/98 - wcr/scj

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

No. 80036

Date: 3/14/12

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				60.00

Total: 60.00

Rec From:

For: 4315 Northcliff Rd.

DEMAND FOR Hearing 10120A84

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
3/15/2012	3/14/2012	15:26:27	5

REG WS03 WALKIN RBOS LRB
>>RECEIPT # 580406 3/14/2012 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 080036
Recpt Tot $60.00
$.00 CK $60.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE:CASE NO: 2012-0198-A

PETITIONER/DEVELOPER GREGORY & HELENE BELCHER

DATE OF HEARING/CLOSING: 4/12/12

LS
4-12-12

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

RECEIVED
APR 11 2012
OFFICE OF ADMINISTRATIVE HEARINGS

ATTENTION:

LADIES AND GENTLEMEN:

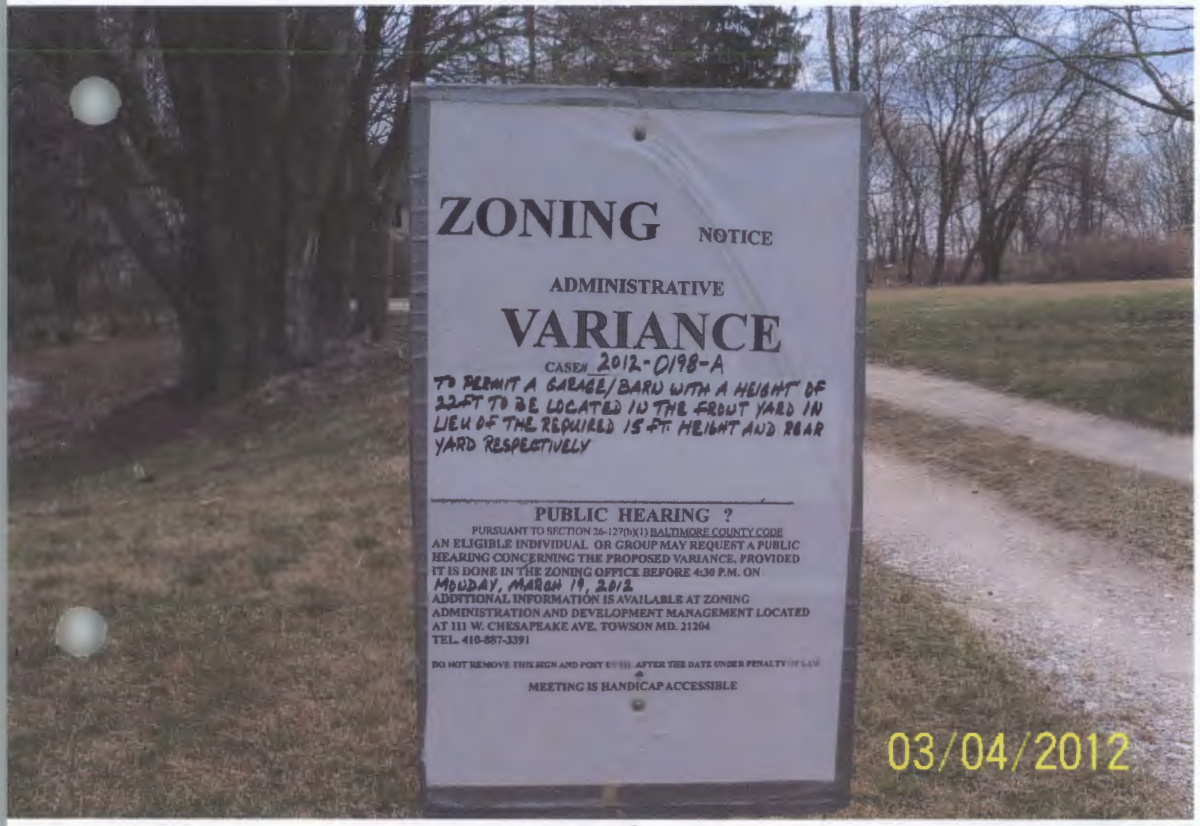
THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY AT 4315 NORTHCLIFF ROAD.

THIS SIGN(S) WERE POSTED ON March 28, 2012.
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 3/28/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411


ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE# 2012-0198-A
TO PERMIT A GARAGE/BARN WITH A HEIGHT OF 22FT TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED 15 FT. HEIGHT AND REAR YARD RESPECTIVELY
PUBLIC HEARING ?
PURSUANT TO SECTION 26-127(b)(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON
MONDAY, MARCH 19, 2012
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW
MEETING IS HANDICAP ACCESSIBLE
03/04/2012

3/14/12

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

No. 74986

Date: 5-17-12

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				265.00

Total: 265.00

Rec From: RAMPRASAD VENKATRAMAN

For: CASE NO 2012-0198-A
4315 NORTHCLIFF RD

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

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
5/21/2012 5/17/2012 15:00:52 5
ACCT WILKIN ROOS LRB
RECEIPT # 589668 5/17/2012 OFLN
Dept 5 528 ZONING VERIFICATION
Rcpt. 074986
Recpt Tot $265.00
$.00 CK $300.00 CA
$35.00- CG
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0198-A
4315 Northcliff Road
S/side of Northcliff Road, 845 feet s/e centerline of Manor Road
11th Election District
3rd Councilmanic District
Legal Owner(s): Gregory & Helene Belcher
Variance: to permit a garage/barn structure be located in the front yard with a height of 22 feet in lieu of the required rear yard and 15 feet height, respectively.
Hearing: Thursday, April 12, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/3/701 Mar 27 300242

CERTIFICATE OF PUBLICATION

3/29/, 2012

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 3/27/, 2012.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 27, 2012 Issue - Jeffersonian

Please forward billing to:
Gregory Belcher 410-593-9573
4315 Northcliff Road
Glen Arm, MD 21057

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0198-A
4315 Northcliff Road
S/side of Northcliff Road, 845 feet s/e centerline of Manor Road
11th Election District – 3rd Councilmanic District
Legal Owners: Gregory & Helene Belcher

Variance to permit a garage/barn structure be located in the front yard with a height of 22 feet in lieu of the required rear yard and 15 feet height, respectively.

Hearing: Thursday, April 12, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 20, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0198-A
4315 Northcliff Road
S/side of Northcliff Road, 845 feet s/e centerline of Manor Road
11th Election District – 3rd Councilmanic District
Legal Owners: Gregory & Helene Belcher

Variance to permit a garage/barn structure be located in the front yard with a height of 22 feet in lieu of the required rear yard and 15 feet height, respectively.

Hearing: Thursday, April 12, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Belcher, 4315 Northcliff Road, Glen Arm 21057
Ramprasad Venkatraman, 4310 Northcliff Road, Glen Arm 21057

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 28, 2012.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 21, 2012

NOTICE OF ASSIGNMENT

CASE #: 12-198-A

IN THE MATTER OF: Gregory P. and Helene D. Belcher
Legal Owners / Petitioners
4315 Northcliff Road / 11th Election District; 3rd Councilmanic District

Re: Petition for Variance to allow permit an accessory structure (garage/barn) to be located in the front yard with a height of 22 ft. ilo the req'd rear yd and 15 ft height, respectively. (B.C.Z.R. Section 400.1 and 400.3)

5/8/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was GRANTED.

ASSIGNED FOR: THURSDAY, AUGUST 16, 2012, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

---

c: Petitioner/LO : Gregory and Helene Belcher

Appellant : Ramprasad Venkatraman and Nirmala Ramprasad

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

M E M O R A N D U M

RECEIVED
JUN 5 2012
BALTIMORE COUNTY
BOARD OF APPEALS

TO: Board of Appeals

FROM: Patricia Zook, Legal Secretary
Office of Administrative Hearings

DATE: June 4, 2012

SUBJECT: Appeal of Decision in Case No. 2012-0198-A

On May 17, 2012, when the Appellant, Ramprasad Venkatraman, filed his appeal, he requested that the hearing be scheduled after August 1, 2012. Mr. Venkatraman stated that he will be 'out of the country performing ceremonies for his mother."

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Pulled from General Bd Hearing to be assigned to 10/17

August 27, 2012

AMENDED NOTICE OF DELIBERATION
(AS TO DATE ONLY- FROM 10/16/12 TO 10/11/12)

CASE #: 12-198-A **IN THE MATTER OF: Gregory P. and Helene D. Belcher**
Legal Owners / Petitioners
4315 Northcliff Road / 11th Election District; 3rd Councilmanic District

Re: Petition for Variance to allow permit an accessory structure (garage/barn) to be located in the front yard with a height of 22 ft. ilo the req'd rear yd and 15 ft height, respectively. (B.C.Z.R. Section 400.1 and 400.3)

5/8/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was GRANTED.

Having concluded this matter on 8/16/12, a public deliberation has been scheduled for the following:

DATE AND TIME : **THURSDAY, OCTOBER 11, 2012 at 9:15 a.m.**

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on Friday, September 14, 2012 by 4:00 p.m.

(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Counsel for Petitioner/LO : Deborah Dopkin, Esquire
Petitioner/LO : Gregory and Helene Belcher

Appellant : Ramprasad Venkatraman and Nirmala Ramprasad

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Conflict w/ Panel Chair Amended to 10/11/12

August 20, 2012

NOTICE OF DELIBERATION

CASE #: 12-198-A

IN THE MATTER OF: Gregory P. and Helene D. Belcher
Legal Owners / Petitioners
4315 Northcliff Road / 11th Election District; 3rd Councilmanic District

Re: Petition for Variance to allow permit an accessory structure (garage/barn) to be located in the front yard with a height of 22 ft. ilo the req'd rear yd and 15 ft height, respectively. (B.C.Z.R. Section 400.1 and 400.3)

5/8/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was GRANTED.

Having concluded this matter on 8/16/12, a public deliberation has been scheduled for the following:

DATE AND TIME : **TUESDAY, OCTOBER 16, 2012 at 9:15 a.m.**

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on Friday, September 14, 2012 by 4:00 p.m.

(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Counsel for Petitioner/LO : Deborah Dopkin, Esquire
Petitioner/LO : Gregory and Helene Belcher

Appellant : Ramprasad Venkatraman and Nirmala Ramprasad

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 10, 2012

SECOND AMENDED NOTICE OF DELIBERATION (AS TO DATE AND TIME- FROM 10/11/12 TO 10/17/12 AND FROM 9:15 TO 10:00)

CASE #: 12-198-A **IN THE MATTER OF: Gregory P. and Helene D. Belcher**
Legal Owners / Petitioners
4315 Northcliff Road / 11th Election District; 3rd Councilmanic District

Re: Petition for Variance to allow permit an accessory structure (garage/barn) to be located in the front yard with a height of 22 ft. ilo the req'd rear yd and 15 ft height, respectively. (B.C.Z.R. Section 400.1 and 400.3)

5/8/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was GRANTED.

Having concluded this matter on 8/16/12, a public deliberation had been scheduled for 10/11/12 @ 9:15 am, but due to an out of state funernal attendance by a Board Member, the 10/11/12 date was pulled from the docket. The Public Deliberation will commence as follows:

DATE AND TIME : WEDNESDAY, OCTOBER 17, 2012 at 10:00 a.m.

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs were filed on Friday, September 14, 2012.

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Counsel for Petitioner/LO : Deborah Dopkin, Esquire – *via email and US Mail*
Petitioner/LO : Gregory and Helene Belcher

Counsel for Appellant : Michael E. Leaf, Esquire – *via email and US Mail*
Appellant : Ramprasad Venkatraman and Nirmala Ramprasad

Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 4, 2012

Gregory & Helene Belcher
4315 Northcliff Road
Glen Arm MD 21057

RE: Case Number: 2012-0198 A, Address: 4315 Northcliff Road.

Dear Mr. & Ms. Belcher:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 23, 2012. 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: jaf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: March 08, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For March 19, 2012
Item Nos. 2012-198,199,200, 201,202,203,205
And 206

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

DAK:CEN
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-03192012-NO COMMENTS.doc

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

SHA
State Highway Administration
Maryland Department of Transportation

Beverley K. Swaim-Staley, *Secretary*
Melinda B. Peters, *Administrator*

Date: 3-5-12

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

RE: Baltimore County
Item No. 2012-0198-A
Administrative Variance
Gregory & Helene Belcher
4315 Notchcliff Road.

Dear Ms. Lewis:

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. 2012-0198-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

for Steven D. Foster, Chief
Access Management Division

SDF/raz

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 4, 2012

GREGORY P. AND HELENE D. BELCHER
4315 NORTHCLIFF ROAD
GLEN ARM MD 21057

RECEIVED
JUN 5 2012
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Case Number: 2012-0198-A
Location: 4315 Northcliff Road

Dear Mr. and Mrs. Belcher:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 17, 2012. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
For Baltimore County

LMS:pz

c: Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Arnold Jablon, Director of Permits, Approvals and Inspections
Ramprasad Venkatraman and Nirmala Ramprasad, 4310 Northcliff Road, Glen Arm MD 21057

APPEAL

Petition for Administrative Variance
Case No.: 2012-0198-A
4315 Northcliff Road
S/side of Northcliff Road, 845' SE of the
c/line of Manor Road
11th Election District, 3rd Council District
Petitioners: Gregory P. and Helene D. Belcher

Petition for Variance accepted on February 23, 2012, by the Zoning Review Office (2 pages)

Zoning Description of Property (1 page)

Notice of Zoning Hearing - dated March 20, 2012 (1 page)

Certification of Publication – from *The Jeffersonian* – published March 27, 2012 (1 page)

Certification of Posting by Martin Ogle, sign poster, and date posted – March 28, 2012 (2 pages)

Entry of Appearance by People's Counsel – N/A

Petitioner(s) Sign-In Sheet (1 page)

Citizen(s) Sign-In Sheet (1 page)

Zoning Advisory Committee Comments (2 pages)

Formal Demand for Hearing filed by Ramprasad Venkatraman – March 14, 2012 (1 page)

Petitioner's Exhibits:

1. Zoning of Site (1 page)
2. Plans for Proposed Construction 'Kit' (14 pages)
3. Plat to Accompany (1 page)
4. Aerial Photo of Site (1 page)
5. Photo of Construction Site (1 page)
6. Photo of Site (1 page)
7. Photo of Site (1 page)
8. Photo of Site (1 page)

Community's Exhibits:

1. Printout from County Website (17 pages)
2. Computer Printout Accessory Structures (3 pages)
3. Accessory Structures Definitions (1 page)
4. Accessory Structures Setbacks (1 page)
5. Accessory Structures Zone Regulations (1 page)
6. Accessory Structures Data PA (2 pages)
7. Accessory Structures Rules (4 pages)
8. Computer Picture of Site (aerial) (1 page)
9. Case Notations (7 pages)
10. Court of Special Appeals Case #0070 (18 pages)
11. My Neighborhood Aerial (2 pages)
12. Petitioner Provided Outside View of Proposed Garage (1 page)
13. Computer Picture of Residence (1 page)
14. Hand-drawn 'Line of Sight' (1 page)

Miscellaneous: Black and White Photos Originally Submitted with the Petition for Administrative Variance (10 pages)

Administrative Law Judge's Order and Cover Letter – by Lawrence M. Stahl - dated May 8, 2012, Granting (with conditions) the Administrative Variance (6 pages)

Notice of Appeal (hand-written) Received on May 17, 2012, and filed by whom Ramprasad Venkatraman (1 page)

c: People's Counsel for Baltimore County
Board of Appeals
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections

APPEAL

Petition for Administrative Variance
Case No.: 2012-0198-A
4315 Northcliff Road
S/side of Northcliff Road, 845' SE of the
c/line of Manor Road
11th Election District, 3rd Council District
Petitioners: Gregory P. and Helene D. Belcher

RECEIVED
JUN 5 2012
BALTIMORE COUNTY
BOARD OF APPEALS

✓ Petition for Variance accepted on February 23, 2012, by the Zoning Review Office (2 pages)

✓ Zoning Description of Property (1 page)

✓ Notice of Zoning Hearing - dated March 20, 2012 (1 page)

✓ Certification of Publication – from *The Jeffersonian* – published March 27, 2012 (1 page)

✓ Certification of Posting by Martin Ogle, sign poster, and date posted – March 28, 2012 (2 pages)

Entry of Appearance by People's Counsel – (N/A)

✓ Petitioner(s) Sign-In Sheet (1 page)

✓ Citizen(s) Sign-In Sheet (1 page)

✓ Zoning Advisory Committee Comments (2 pages)

✓ Formal Demand for Hearing filed by Ramprasad Venkatraman – March 14, 2012 (1 page)

✓ Petitioner's Exhibits:

✓ 1. Zoning of Site (1 page)
✓ 2. Plans for Proposed Construction 'Kit' (14 pages)
✓ 3. Plat to Accompany (1 page)
✓ 4. Aerial Photo of Site (1 page)
✓ 5. Photo of Construction Site (1 page)
✓ 6. Photo of Site (1 page)
✓ 7. Photo of Site (1 page)
✓ 8. Photo of Site (1 page)

Community's Exhibits:

✓ 1. Printout from County Website (17 pages) front & back
✓ 2. Computer Printout Accessory Structures (3 pages)
✓ 3. Accessory Structures Definitions (1 page) front & back
✓ 4. Accessory Structures Setbacks (1 page)
✓ 5. Accessory Structures Zone Regulations (1 page) front & back
✓ 6. Accessory Structures Data PA (2 pages) front & back
✓ 7. Accessory Structures Rules (4 pages)
✓ 8. Computer Picture of Site (aerial) (1 page)
✓ 9. Case Notations (7 pages)
✓ 10. Court of Special Appeals Case #0070 (18 pages) front & back Swoboda v. Wilder
✓ 11. My Neighborhood Aerial (2 pages)
✓ 12. Petitioner Provided Outside View of Proposed Garage (1 page)
✓ 13. Computer Picture of Residence (1 page)
✓ 14. Hand-drawn 'Line of Sight' (1 page)

✓ Miscellaneous: Black and White Photos Originally Submitted with the Petition for Administrative Variance (10 pages)

✓ Administrative Law Judge's Order and Cover Letter – by Lawrence M. Stahl - dated May 8, 2012, Granting (with conditions) the Administrative Variance (6 pages)

✓ Notice of Appeal (hand-written) Received on May 17, 2012, and filed by whom Ramprasad Venkatraman (1 page)

c: People's Counsel for Baltimore County
Board of Appeals
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Gregory and Helene Belcher 12-198-A

DATE: October 17, 2012

BOARD/PANEL: Wendell H. Grier, Chairman
Wendy A. Zerwitz
David L. Thurston

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance to allow an accessory structure (garage/barn) located in the front yard with a height of 22 ft in lieu of the required rear yard and 15 ft, respectively.

2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?

3. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed the history of this matter. The Administrative Law Judge had previously granted the requested Petition for Variance. The Protestants appealed.
- The Board reviewed the testimony and evidence presented at the hearing. Cromwell v. Ward requires that the land be "unique" in terms of shape, topography, environmental factors etc. The Petitioners argued that the long lived trees on their property provided a "unique" environmental standard. The Board determined that while it would be cheaper to locate the structure in the proposed location, the environmental factors are not such that the Petitioners cannot use the property without a variance. The Board determined that the Petitioners can locate the accessory structure in a different location on the property without the necessity of a variance. The Board also determined that other than for aesthetic value, there is no necessity for the height to be more than allowed by law.
- The Board determined that since the property fails on the uniqueness standard, they do not need to discuss the practical difficulty standard.

DECISION BY BOARD MEMBERS:

The property is not unique by the standards of Cromwell v. Ward.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested Variances.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

Sunny Cannington

LAW OFFICES
DEBORAH C. DOPKIN, P.A.
P.O. Box 323
BROOKLANDVILLE, MARYLAND 21022
Email: ddopkin@dopkinlaw.com

TELEPHONE: (410)821-0200

RECEIVED
JUL 24 2012
BALTIMORE COUNTY
BOARD OF APPEALS

July 19, 2012

Theresa Shelton, Administrator
County Board of Appeals
of Baltimore County
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. CBA 12-0198-A
4315 Northcliff Road

Dear Ms. Shelton:

This office has been engaged by Mr. and Mrs. Gregory Belcher with regard to above captioned appeal of the decision of the Administrative Law Judge approving a petition for variance relief for their property on Northcliff Road. Accordingly, please enter my appearance in this matter in behalf of the Petitioner. It is my understanding that a hearing on this appeal has been scheduled before the County Board of Appeals on August 16, 2012 at 10:00 o'clock a.m.

In addition, I would appreciate your directing all communications involving this matter to me.

Very truly yours,

Deborah C. Dopkin

CC: Mr. and Mrs. Gregory Belcher
Mr. Ramprasad Venkatraman

LAW OFFICES
DEBORAH C. DOPKIN, P.A.
P.O. Box 323
BROOKLANDVILLE, MARYLAND 21022
Email: ddopkin@dopkinlaw.com

TELEPHONE: (410)821-0200

September 13, 2012

BY HAND DELIVERY

Theresa Shelton, Administrator
County Board of Appeals
of Baltimore County
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
SEP 14 2012
BALTIMORE COUNTY
BOARD OF APPEALS

RE: Case No. CBA 12-0198-A
4315 Northcliff Road

Dear Ms. Shelton:

On behalf of Mr. and Mrs. Gregory Belcher, I am submitting herewith an original and three copies of Appellee's Memorandum in lieu of closing argument, as instructed in the amended notice of deliberation. A copy has been mailed to Appellant as indicated in the Certificate of Mailing.

I trust you will find these in order. Thank you for your attention to this matter.

Very truly yours,

Deborah C. Dopkin

CC: Mr. and Mrs. Gregory Belcher
Mr. Ramprasad Venkatraman

PK LAW
PESSIN KATZ LAW, P.A.

139 North Main Street
Suite 100
Bel Air, MD 21014

Towson | Columbia | Bel Air | Cambridge

Telephone 410-893-0100
Fax 410-893-0795
www.pklaw.com

Michael E. Leaf
(410) 893-2333 (Baltimore Line)
(410) 832-5629 (Direct Fax Line)
mleaf@pklaw.com

RECEIVED
SEP 14 2012
BALTIMORE COUNTY
BOARD OF APPEALS

September 13, 2012

VIA FEDEX OVERNIGHT

Board of Appeals of Baltimore County
Jefferson Building, 2nd Floor, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Administrative Variance, 4314 Northcliff Road,
Gregory P. Belcher and Helene D. Belcher, Petitioners –
Ramprasad Venkatraman and Nirmala Ramprasad, Opponents

Dear Members of the Board:

Enclosed herewith are an original and three copies of the Memorandum and attachments which we are submitting in the above referenced case on behalf of Ramprasad Venkatraman and Nirmala Ramprasad, Opponents.

Sincerely yours,

Michael E. Leaf

MEL/mmt

Enclosures

cc: Mr. and Mrs. Ramprasad Venkatraman (w/encs.)
Deborah Dopkin, Esquire (w/encs.)

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: January 4, 2013

TO: David Duvall
Zoning Review Office
Permits, Approvals & Inspections

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES/CASES DISMISSED

The following cases have been closed as of the above date and are being returned to your office for storage.

Case No:	Case Name:	Note:
12-117-A	Steven and Joyce Miller	This file has been returned to Colleen Kelly along with related case no CBA-12-051
12-138-XA	William Turner	
12-198-A	Gregory and Helene Belcher	
12-253-A	Joseph and Margaret Ardolino	
MC-13-01	2400 North Point LLC	

c: Arnold Jablon, Director/PAI
Michael Field, County Attorney
Nancy West, Assistant County Attorney

4315

PLEASE PRINT CLEARLY

CASE NAME Northcliff Rd.
CASE NUMBER 2012-0198-A
DATE 4-12-12

PETITIONER'S SIGN-IN SHEET

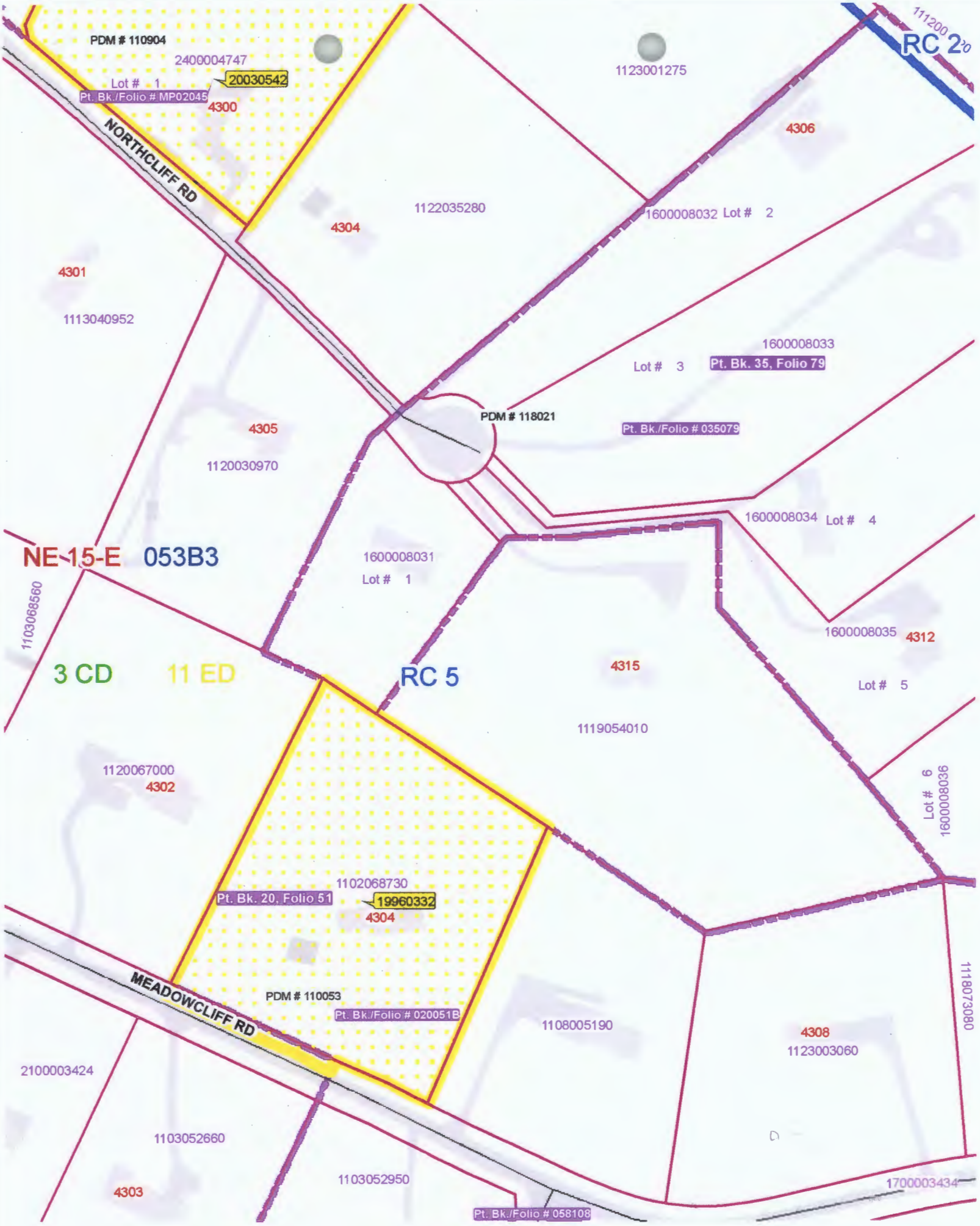
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Gregory P. Belcher	4315 Northcliff Rd	Glen Arm MD 21057	gbelcher@lordbalt.com
Helene M Belcher	"	"	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 2012-0198-A
DATE 04/12/2012

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
RAMPRASAD VENKATRAMAN	4310 NORTHCLIFF ROAD	GLEN ARM MD 21057	ramprasad.venkatraman@comcast.net
NIRMALA RAMPRASAD	4310 NORTHCLIFF RD	GLEN ARM, MD 21057	nirmala.ramprasad@comcast.net


PDM # 110904
2400004747
Lot # 1
20030542
Pt. Bk./Folio # MP02045
4300
NORTHCLIFF RD
1123001275
111200
RC 2
4306
1122035280
4304
1600008032 Lot # 2
4301
1113040952
1600008033
Lot # 3
Pt. Bk. 35, Folio 79
PDM # 118021
Pt. Bk./Folio # 035079
4305
1120030970
1600008034 Lot # 4
NE-15-E 053B3
1600008031
Lot # 1
1103068560
1600008035
4312
3 CD
11 ED
RC 5
4315
Lot # 5
1119054010
1120067000
4302
Lot # 6
1600008036
1102068730
Pt. Bk. 20, Folio 51
19960332
4304
MEADOWCLIFF RD
PDM # 110053
Pt. Bk./Folio # 020051B
1108005190
4308
1123003060
1118073080
2100003424
1103052660
4303
1103052950
1700003434
Pt. Bk./Folio # 058108

#0198

PANEL BP1003M

TIME: 12:37:49 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 03/15/2013
DATE: 05/10/2013 GENERAL PERMIT APPLICATION DATA KLC 16:29:27

PERMIT #: B811090 PROPERTY ADDRESS
RECEIPT #: A671737 4315 NORTHCLIFF RD
CONTROL #: MR SUBDIV: 650 SE MANOR RD
XREF #: B811090 TAX ACCOUNT #: 1119054010 DISTRICT/PRECINCT 11 01
OWNERS INFORMATION (LAST, FIRST)
FEE: 85.00 NAME: BELCHER, GREGORY AND HELENE
PAID: 85.00 ADDR: 4315 NORTHCLIFF RD, GLEN ARM MD 21057
PAID BY: APPL
DATES APPLICANT INFORMATION
APPLIED: 03/15/2013 NAME: GREGORY BELCHER
ISSUED: 03/15/2013 COMPANY:
OCCPNCY: ADDR1: 4315 NORTHCLIFF RD
FINAL INSPECT: ADDR2: GLEN ARM, MD 21057
INSPECTOR: 11R PHONE #: 410-875-3764 LICENSE #:
NOTES: KLC

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

PANEL BP1004M

TIME: 12:38:08 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 03/15/2013
DATE: 05/10/2013 BUILDING DETAIL 1 KLC 16:32:13

DRC#

PERMIT # B811090 PLANS: CONST 00 PLOT 1 PLAT 0 DATA 0 EL 1 PL 2

TENANT

BUILDING CODE: CONTR: OWNER
IMPRV 1 ENGNR:
USE 06 SELLR:

FOUNDATION BASE WORK: CONSTRUCT 23'X34'X15'MAX=782SF 1-STY 2-CAR
F/L AND S/L DETACHED GARAGE ON REAR PROPERTY
CONSTRUC FUEL SEWAGE WATER OF SFD. ACCESSORY STRUCTURE LETTER ATTACHED.
2E 2E
CENTRAL AIR
ESTIMATED COST
20,000.00 PROPOSED USE: SFD W/DETACHED GARAGE
OWNERSHIP: 1 EXISTING USE: SFD
RESIDENTIAL CAT: 1
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1018M

TIME: 12:38:18 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 03/15/2013

DATE: 05/10/2013 APPROVALS DETAIL SCREEN KLC 16:32:31

PERMIT #: B811090 CONTROL #: MR

AGENCY	DATE	CODE	COMMENTS
ZONING	03/15/2013	01	GH/KLC
ENVRMNT	03/15/2013	01	EC/KLC
PERMITS	03/15/2013	01	KLC

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - GENERAL PERMIT PF4 - ISSUE PERMIT

PF3 - INSPECTIONS PF8 - GENERAL SCREEN W/NEXT PERMIT CLEAR - MENU

Proposed Barn Site Photo #1
from property driveway, looking
towards the barn site at the end of
property driveway. Pick up truck is parked
beyond the left side of the barn.

Area surrounding the barn site will have at least
4 additional evergreens for better screening in winter.
Area is hidden during the other seasons.

#0198

Proposed Barn Site Photo 1 A
looking from the site, down the property driveway. to the right is the 4312 property paved driveway, the house at the property 4307

Proposed Barn Site Photo #2
View from the site looking south west
towards the residence

018

Proposed Barn Site Photo #2 A
View from the site looking south
towards the pasture land and trees
House is 4315 property.

4 of 10

#0198

Proposed Barn Site Photo #3
From the site looking north east
Picture shows tree and vegetation
and pasture land beyond the fence

Proposed Barn Site Photo #4
View from site looking north east
Picture shows trees and vegetation
Beyond property is paved driveway
residence #4310 to the left and
residence #4312 to the right.
Estimated distance to 4310 is 120 feet
from back of proposed barn.

Area will have at least 4 additional evergreens
to provide better screening in winter months

#0198

Proposed Barn Site Photo #5
From the site, the pick up truck
is at the back of the proposed barn
just beyond the tree stump. Trees and
vegetation cover the view except in winter.
Residence #4310 is approximately 120 feet
from the back of the barn through the trees.

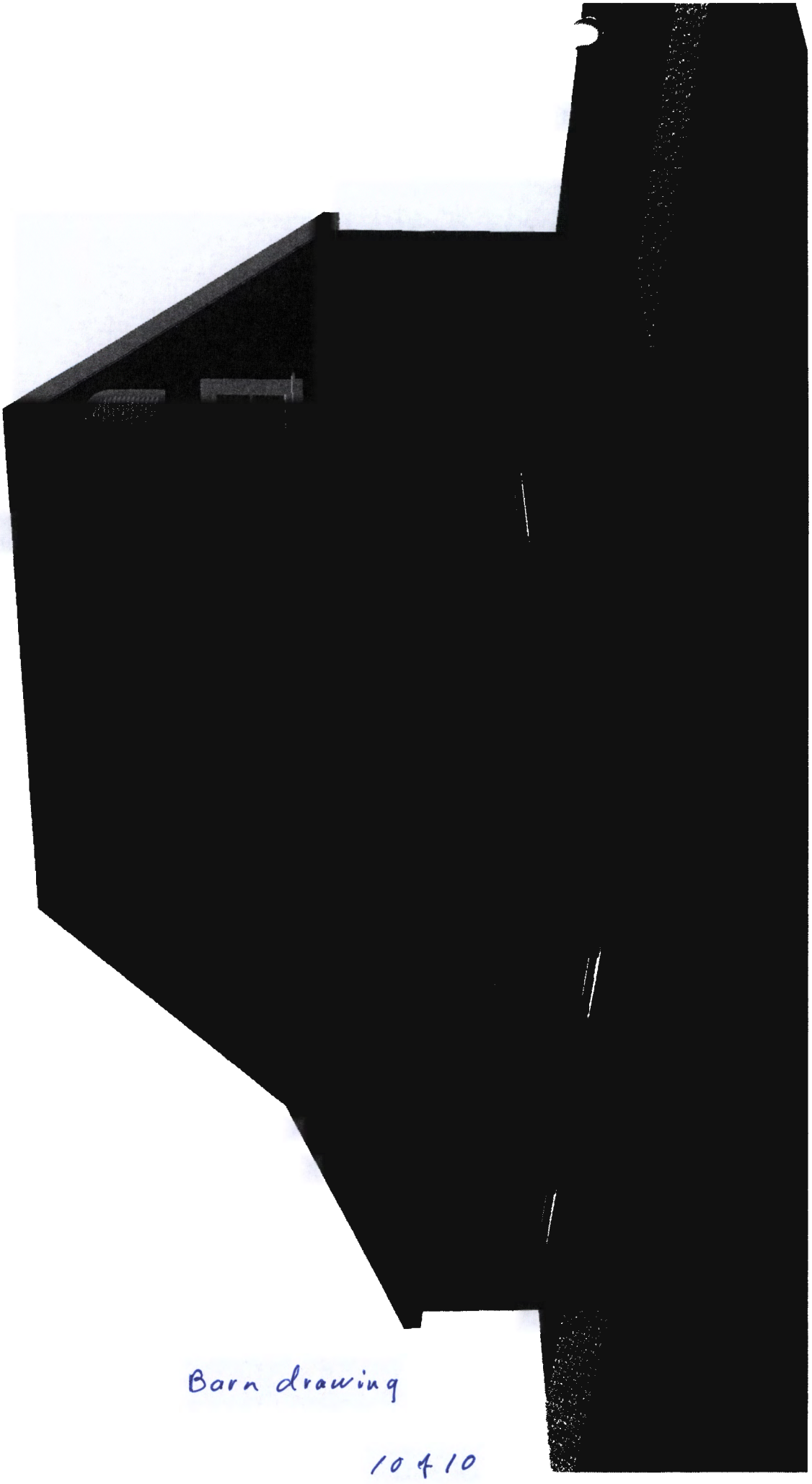
Area will have at least 4 additional evergreens
to provide better screening in winter months.

#0198

Proposed Barn Site Photo #6
View from site looking north
Picture shows trees and vegetation.
beyond property is paved driveway and more trees

Barn drawing

#0198



Barn drawing

10 of 10

#0198

25 4-12
10 AM

Case No.: 2012-0198-A

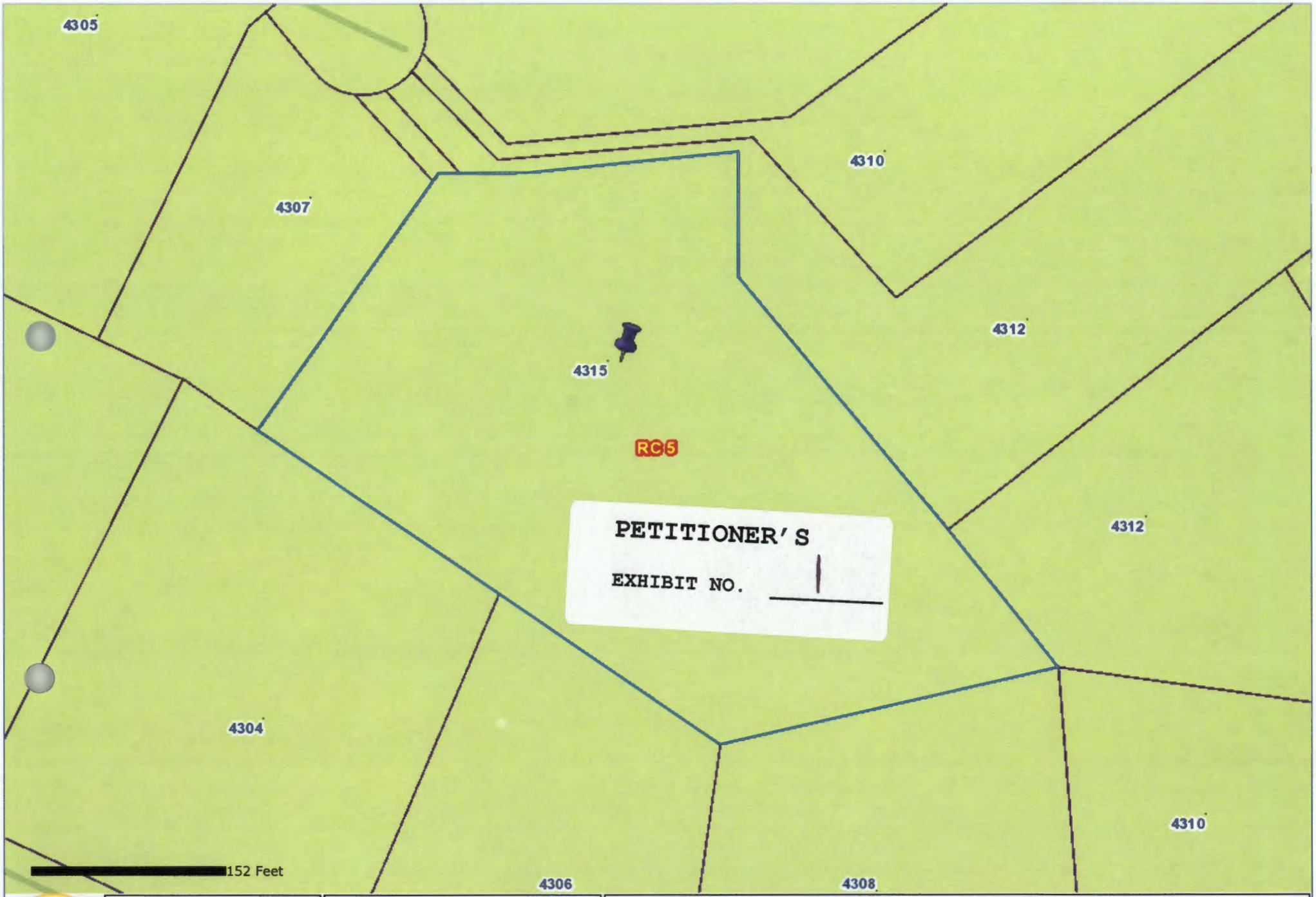
Exhibit Sheet

5/14/12
RZ

Petitioner/Developer

Protestants

No. 1	ZONING OF SITE	
No. 2	PLANS FOR PROPOSED ~~[illegible]~~ CONSTRUCTION LOT	
No. 3	PLAT TO ACCOMPANY PETITION	
No. 4	AERIAL PHOTO OF SITE + ENVIRONS	
No. 5	PHOTO OF CONSTRUCTION PROPOSED SITE	
No. 6	~~PLANS FOR PROPOSE ZONING OF SITE~~	
No. ~~7~~ 6	PHOTOS OF SITE	
No. ~~8~~ 7	PHOTO OF SITE	
No. ~~9~~ 8	PHOTO OF SITE	
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 2/14/2012

26' x 24' Blacksmith Forge

PETITIONER'S

EXHIBIT NO. 2

Replacement - NO WINDOWS

Criteria	Roxbury, CT
Ground Snow Load (lbs per sq ft)	30
Wind Speed (mph)	90-100
Seismic Design Category	C
Weathering	SEVERE
Frost Line Depth	42"
Termite	moderate to heavy
Decay	slight to moderate
Winter Design Temp (degrees farenheight)	7

** ALL STRUCTURAL MATERIAL IS EASTERN HEMLOCK #2 UNLESS OTHERWISE NOTED. **

FOUNDATION TO BE DONE BY OTHERS.

** LOFT AREA FOR SIMPLE STORAGE ONLY. **

THIS DRAWING OR THE UNDERLYING DESIGN CANNOT BE COPIED OR USED TO BUILD AN IDENTICAL OR SUBSTANTIALLY SIMILAR STRUCTURE, REGARDLESS OF CONSTRUCTION METHOD, WITHOUT AMERICAN COUNTRY BARNS, LLC'S WRITTEN PERMISSION.

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PETITIONER'S

EXHIBIT NO. 2

AMERICAN COUNTRY BARNS
CLASSIC TIMBER FRAME BUILDINGS

American Country Barns
69 East Street
Bethlehem, CT 06751

800-79-BARNS
(800-792-2767)

Engineer:

Customer:

Print on:

TABLOID 11" x 17"

Date:
August 11, 2010

Elevation Revisions:
August 20, 2010

CAD Work:
August 25-26, 2010
August 31, 2010
September 1, 2010
September 10, 2010
September 16, 2010

Project Manager:
Mark Calabro
American Country Barns

(800) 792-2767 EXT:512

Computer Design:
JSP III
American Country Barns

Google

Photos

↑ Petitioner's

Find Tag

PETITIONER'S

EXHIBIT NO. 4

PETITIONER'S

EXHIBIT NO. 5

Sent from my iPad

43/10

CONSTRUCTION PROPOSED

Proposed Barn Site Photo #2 A
View from the site looking south
towards the pasture land and trees
House is 4315 property.

PETITIONER'S

EXHIBIT NO. 6

Proposed Barn Site Photo #2
View from the site looking south west
towards the residence

PETITIONER'S

EXHIBIT NO. 7

Proposed Barn Site Photo 1 A
looking from the site, down the
property driveway. to the right is the
4312 property paved driveway, the house
at the property 4307

PETITIONER'S

EXHIBIT NO. 8

Case No.: 2012-0198A

Exhibit Sheet

5/14/12 DR

~~Petitioner/Developer~~ Protestant

No. 13	COMPUTER PICTURE OF RESIDENCE	#1 PRINTOUT - COUNTY WEB SITE
No. ~~2~~ 14	HAND DRAWN "LINE OF SIGHT"	2 COMPUTER PRINTOUT ACCESS STRUCTURES
No. 3		3 " " DEFINITIONS
No. 4		4 " " Setbacks
No. 5		5 " " ZONE REGULATIONS
No. 6		6 " " DATA PAI
No. 7		7 " " RULES
No. 8		8 COMPUTER PICTURE OF SITE (AERIAL)
No. 9		9 CASE NOTATIONS
No. 10		10 CBA case # 0870 Sept Term 2006
No. 11		11 "MY NEIGHBORHOOD" AERIAL
No. 12		12 PETITIONER PROVIDED OUTSIDE VIEW OF PROPOSED GARAGE

COMMUNITY
EXHIBIT NO. 4

Baltimore County Md. Permits, Approval and Inspections - Building and Sediment Control - Windows Internet Explorer

http://www.baltimorecountymd.gov/Agencies/permits/buildinspec/index.html#Accessory_structures

File Edit View Favorites Tools Help

startnow Search with Bing Search Shopping Games Travel MSN Amazon eBay Facebook

Baltimore County Md. Permits, Approval and Ins...

- Find Your Council District
- Download Trash Schedule
- Locate County Facilities
- Search Crime Stats
- Find Recreation Activities
- Volunteer Today

More >>>

Accessory Structure (= garage, Example) must be located ~~behind~~ in the REAR YARD Behind the REAR FOUNDATION Wall line

3/1

- sediment control

Building Codes

Building codes used by Baltimore County are (adopted July 2010):

- International Building Code, 2009 Edition
- International Residential Code, 2009 Edition

Building Permit Requirements

Building Permits are required for the following:

- Accessory structures (sheds, garages, gazebos, etc.) over 120 square feet (link
- All accessory structures located in Flood Zone A or located in historic districts
- Garages and carports attached to single family dwellings
- Above ground swimming pools over 250 square feet with water depth of 24 inch
- All in-ground pools (a 48 inch safety barrier with self latching, self closing gates
- Retaining walls over 36 inches (engineered drawings are required for over 48 i
- Fences over 42 inches in height
- Decks greater than 16 inches above the lowest grade and exceeds 120 square
- Wood stoves, pellet stoves and fireplaces
- Additions and structural modifications to existing dwellings
- Enclosing of open porches and decks
- Basement excavations
- Change of use of structure
- Razing permits
- Grading over 5000 square feet
- Alterations to historic houses

Downspouts are to be discharged at a distance of not less than 8 feet from any propert

Two layers of shingles can be put on a roof (a permit is not required).

Windows and doors may be replaced without a building permit, provided no structural

COMMUNITY EXHIBIT NO. 2

FARMER'S ROADSIDE STAND

An accessory structure, barn or other farm building or portion thereof owned and operated by an agricultural producer, used for the sale of indi; arm products, the majority of which have been grown, or grown and produced, on the premises, on adjacent land or on properties farmed by th ame agricultural producer.

Bill Nos. 41-1992 *Editor's Note: This bill also repealed the former definition of "farmers' co-op roadside stands."* **; 34-2009; 48-2011]**

THE WEBSITE SHOWS BARN, IN THE QUICK VIEW MODE ONLY ONCE]

ack to top

). Is it legal for my neighbor to build a large shed close to my property line?

.. Accessory structures (storage sheds, garages, etc.) must be located in the rear yard behind the rear foundation wall line, must occupy n percent ard, and must be located two and one-half feet from the side and rear property lines. If there is an alley, there must be a minimum setbacl from th enterline. There is a height limitation of fifteen feet; and, if located on a corner lot (intersection of two streets), the structure must be situ half of t urthest from the side street. A building permit is required if the structure is over 120 square feet. Information on how to obtain a building obtaine alling Building Permit Processing at 410-887-3900, Monday through Friday, 8 a.m. - 4:30 p.m.

COMMUNITY
EXHIBIT NO. 3

ALLEY

A right-of-way 20 feet or less in width, designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed, which pro ervice access for vehicles to the side or rear of abutting property.

GARAGE, RESIDENTIAL

An accessory building, portion of a main building or building attached thereto used for storage of private motor vehicles.

Bill No. 70-1988]

Definition of Garage

Baltimore County, MD Quick View - Windows Internet Explorer
http://www.ecode360.com/12102387?highlight=structures%20accessory,structures,structure#12102387
Live Search
File Edit View Favorites Tools Help
Search with Bing Search Shopping Games Travel MSN Amazon eBay Facebook Twitter
Baltimore County, MD Quick View
Page Tools

204.4. Bulk regulations in R-O Zones.

Bill No. 186-1994]Uses permitted as of right or by special exception are governed by the following bulk regulations:

A. Uses permitted under Sections 204.3.A.1 and 204.3.B.1 and new structures accessory to Class A office buildings are governed by the bulk regulations of D.R.5.5 Zones.

B. Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original building.

C. Class B office buildings.

1. Maximum floor area ratio: 0.33.

2. Maximum height of structure: 35 feet.

3. Minimum front yard setback: 25 feet or the average of the setbacks of the adjacent structures, whichever is less.

4. Minimum side yard setbacks: 10 feet, except if the adjacent property is predominantly residentially zoned, residentially used, or is adjacent to a residential street, in which case the setback shall be 20 feet.

5. Minimum rear yard setback: 30 feet.

6. Amenity open space: 7% of the interior of the parking lot, not including setback and buffer area requirements, shall be pervious land area in association with plantings.

7. Maximum lot size: one acre, except that if located on a principal arterial and if there is adjacent nonresidentially used or nonresidentially zoned frontage, the maximum lot size may be two acres.

8. The office building shall be the only principal building on the lot on which it is situated and shall not be attached to another building.

9. Landscape requirements. In addition to the requirements set forth in the Baltimore County Landscape Manual:

a. All parking and dumpster areas which abut a residential zone shall be screened by an opaque fence, wall or berm in association with plantings.

b. The minimum screening height shall be five feet.

c. The following buffers, which shall not be encroached upon by aboveground stormwater management, parking or dumpster areas but which may be broken by the entrance way, shall be provided:

(1) Property lines which abut any property which is predominantly residentially zoned, residentially used or which abut any residential street must have a twenty-foot landscape buffer; and

(2) Property lines which abut any nonresidentially zoned property must have a ten-foot landscape buffer.

alley is deemed Street

COMMUNITY EXHIBIT NO. 4

204.5. Plan.

Bill Nos. 56-1982; *Editor's Note: This bill also repealed former Sections 203.5.A.B and 203.5.A.C in their entirety. Similar provisions detailing the content of development plans are now contained in Title 16 of the Baltimore County Code, 1988 Edition, as revised.* **186-1994; 37-2004]**The use or development of any property in an R-O Zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a plan approved by the County Review Group as provided in rticle 32, Title 4 of the Baltimore County Code, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402.

204.6. Conversion of dwellings to office buildings.

Internet | Protected Mode: Off 100%
3 Wind... 17 Inter... 2011-07-... WinZip - ... Untitled -... MLR INDI... Docume... GARAGE ... Microsoft... Microsoft... Untitled -... Untitled -... 12:12 PM

Baltimore County, MD Quick View - Windows Internet Explorer
http://www.ecode360.com/12103016?highlight=structures,structure#11757709
File Edit View Favorites Tools Help
Search with Bing Search Shopping Games Travel MSN Amazon eBay Facebook Twitter
Baltimore County, MD Quick View

This electronic version is provided for informational purposes only. For the official version please contact the municipality.

ECTION 250. M.L.R. Zone Area Regulations

'ditor's Note: Former Section 250 of BCZR 1955, consisting of use regulations for M.R. Zones, was repealed by Bill No. 56-1961. Use regulations for M.R. Zones now appear in Section 241. **[Bill No. 56-1961]**

Minimum requirements, except as set forth in Section 301, shall be as follows:

250.1. Front yard.

he front building line shall be not less than 50 feet from the front property line if on a dual highway, and not less than 40 feet from the front property line if on any other street.

250.2. Side yards.

hirty feet in width measured from either side property line for one side yard, but the sum of both side yards shall not be less than 80 feet; if a corner lot, same requirement as for a front yard (See also Section 301.3.).

250.3. Rear yard.

orty feet in depth measured from the rear property line (See also Section 301.3.).

250.4. Proximity of structures to residential zones.

Bill No. 46-2007]No building or other industrial structure shall be at any point less than 100 feet distant from the nearest residential zone line, except that no building or other industrial structure shall be at any point less than 70 feet distant from the nearest R.C.5 Z

COMMUNITY
EXHIBIT NO. 5

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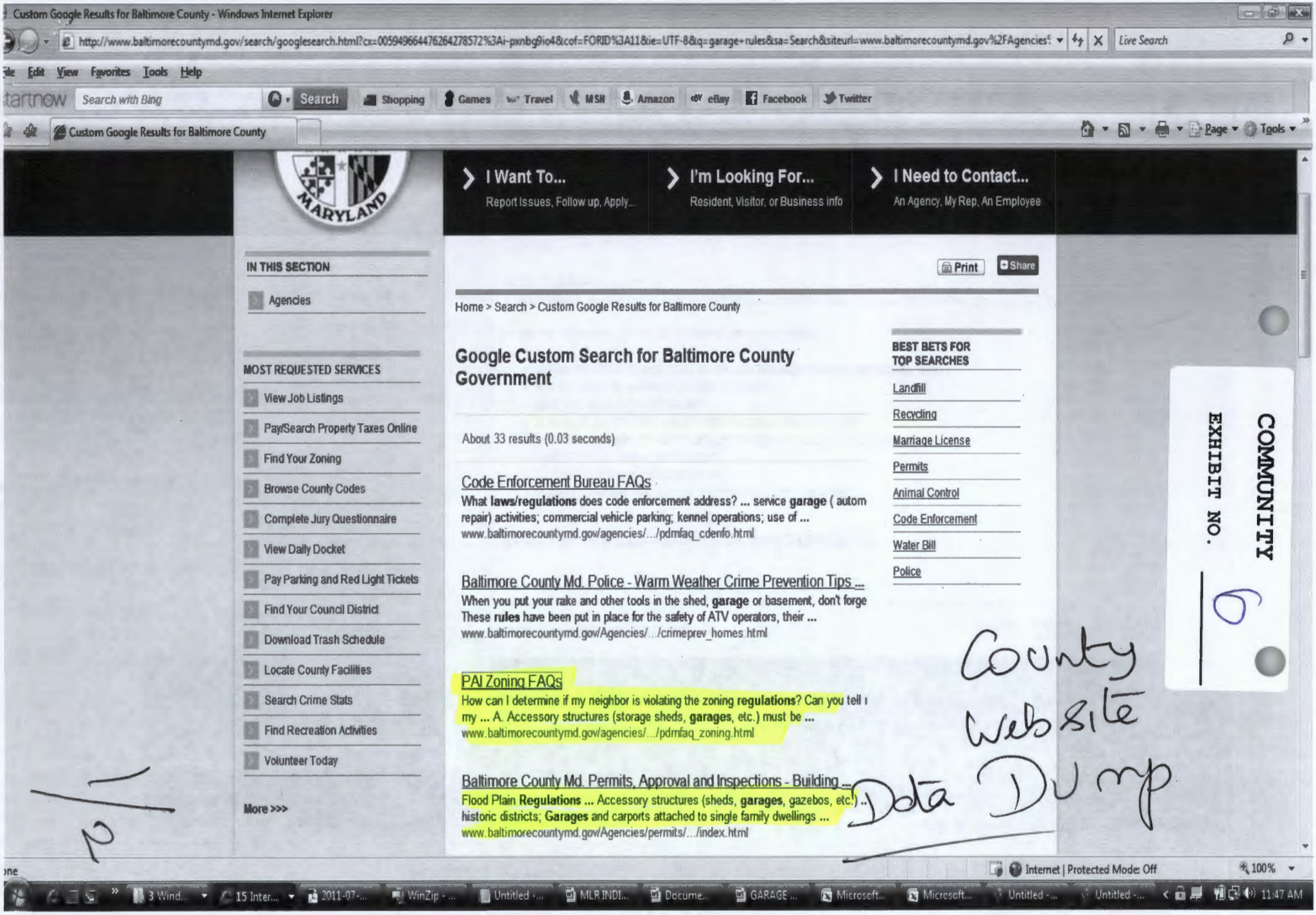

Custom Google Results for Baltimore County - Windows Internet Explorer
http://www.baltimorecountymd.gov/search/googlesearch.html?cx=005949664476264278572%3Ai-pxnbg9io4&cof=FORID%3A11&ie=UTF-8&q=garage+rules&sa=Search&siteurl=www.baltimorecountymd.gov%2FAgencies%
Live Search
File Edit View Favorites Tools Help
Search with Bing
Search
Shopping
Games
Travel
MSN
Amazon
eBay
Facebook
Twitter
Custom Google Results for Baltimore County
Page
Tools
I Want To...
Report Issues, Follow up, Apply...
I'm Looking For...
Resident, Visitor, or Business info
I Need to Contact...
An Agency, My Rep, An Employee
IN THIS SECTION
Agencies
MOST REQUESTED SERVICES
View Job Listings
Pay/Search Property Taxes Online
Find Your Zoning
Browse County Codes
Complete Jury Questionnaire
View Daily Docket
Pay Parking and Red Light Tickets
Find Your Council District
Download Trash Schedule
Locate County Facilities
Search Crime Stats
Find Recreation Activities
Volunteer Today
More >>>
Print
Share
Home > Search > Custom Google Results for Baltimore County
Google Custom Search for Baltimore County Government
About 33 results (0.03 seconds)
Code Enforcement Bureau FAQs
What laws/regulations does code enforcement address? ... service garage (autom repair) activities; commercial vehicle parking; kennel operations; use of ...
www.baltimorecountymd.gov/agencies/.../pdmfaq_cdenfo.html
Baltimore County Md. Police - Warm Weather Crime Prevention Tips ...
When you put your rake and other tools in the shed, garage or basement, don't forge These rules have been put in place for the safety of ATV operators, their ...
www.baltimorecountymd.gov/Agencies/.../crimeprev_homes.html
PAI Zoning FAQs
How can I determine if my neighbor is violating the zoning regulations? Can you tell my ... A. Accessory structures (storage sheds, garages, etc.) must be ...
www.baltimorecountymd.gov/agencies/.../pdmfaq_zoning.html
Baltimore County Md. Permits, Approval and Inspections - Building ...
Flood Plain Regulations ... Accessory structures (sheds, garages, gazebos, etc.) historic districts; Garages and carports attached to single family dwellings ...
www.baltimorecountymd.gov/Agencies/permits/.../index.html
BEST BETS FOR TOP SEARCHES
Landfill
Recycling
Marriage License
Permits
Animal Control
Code Enforcement
Water Bill
Police
COMMUNITY
EXHIBIT NO. 6
County Website Data Dump
Internet | Protected Mode: Off
100%
11:47 AM

XFINITY Connect

COMMUNITY

EXHIBIT NO. 7

Baltimore county rules - doc 01

From : ramprasad venkatraman <ramprasad.venkatraman@comcast.net> Wed, Apr 11, 2012 12:27 PM
Subject : Baltimore county rules - doc 01
To : nirmala ramprasad <nirmala.ramprasad@comcast.net>

http://www.baltimorecountymd.gov/agencies/permits/pdmfaq/pdmfaq_zoning.html

Skip Navigation

Baltimore County Website

- A
- A
- A
- Text Resize:
- Search
- Search Site:
- Home

County ExecutiveCounty CouncilCourts **I Want To...**

Report Issues, Follow up, Apply...

- **I'm Looking For...**

Resident, Visitor, or Business info

- **I Need to Contact...**

An Agency, My Rep, An Employee

What's New

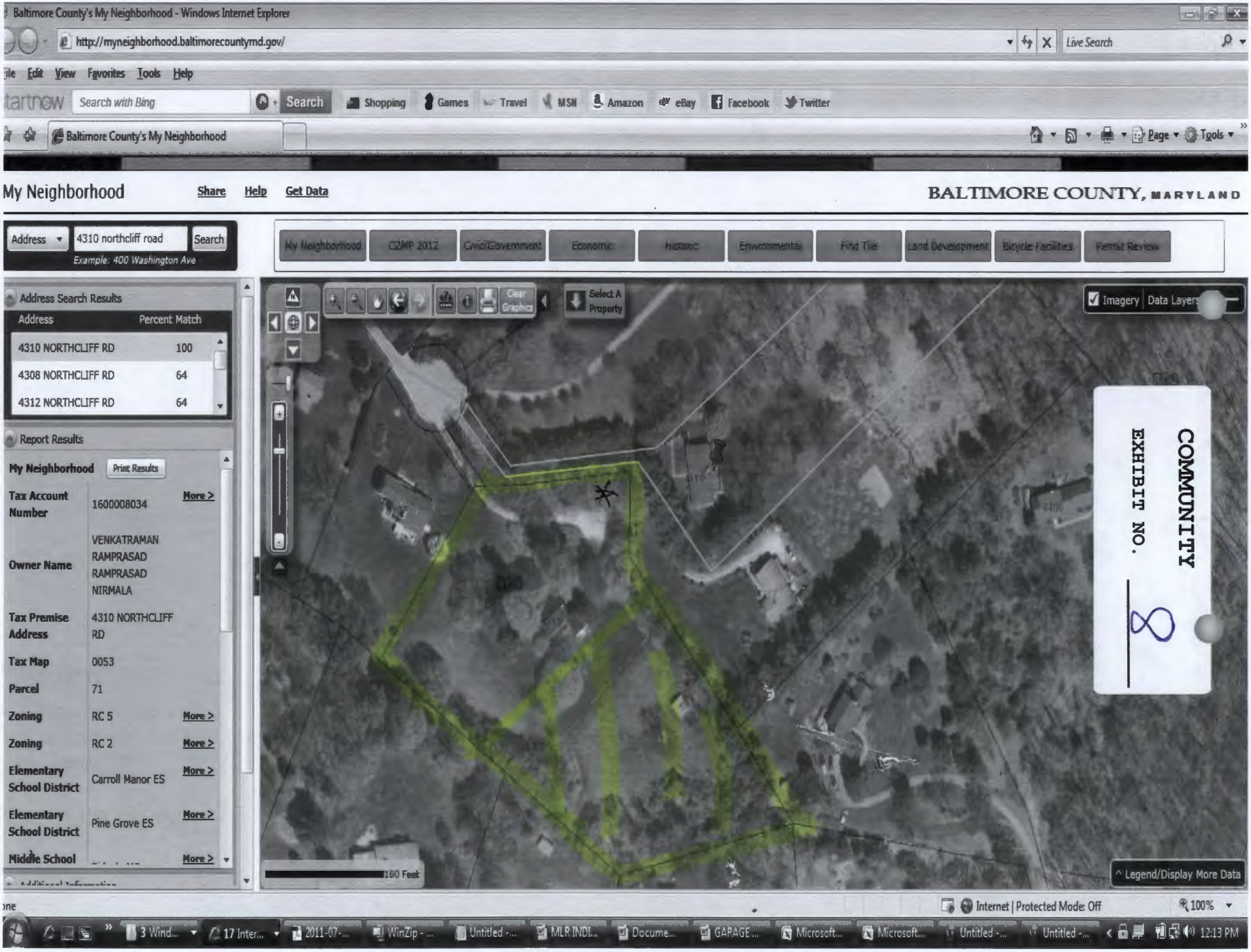
Building Permit Processing
Code Enforcement
Permits, Approvals and Inspections
Zoning Fee Schedule

1/4

Perfect example for the question + clear Answer!

County Officer Says NO!!

VIOLATION IS ILLEGAL


Baltimore County's My Neighborhood - Windows Internet Explorer
http://myneighborhood.baltimorecountymd.gov/
Live Search
File Edit View Favorites Tools Help
Search with Bing
Search
Shopping
Games
Travel
MSN
Amazon
eBay
Facebook
Twitter
Baltimore County's My Neighborhood
Page
Tools
My Neighborhood
Share
Help
Get Data
BALTIMORE COUNTY, MARYLAND
Address
4310 northcliff road
Search
Example: 400 Washington Ave
My Neighborhood
CZMP 2012
Civic/Government
Economic
Historic
Environmental
Find Tile
Land Development
Bicycle Facilities
Permit Review
Address Search Results
Address
Percent Match
4310 NORTHCLIFF RD 100
4308 NORTHCLIFF RD 64
4312 NORTHCLIFF RD 64
Report Results
My Neighborhood
Print Results
Tax Account Number 1600008034 More >
Owner Name VENKATRAMAN RAMPRASAD RAMPRASAD NIRMALA
Tax Premise Address 4310 NORTHCLIFF RD
Tax Map 0053
Parcel 71
Zoning RC 5 More >
Zoning RC 2 More >
Elementary School District Carroll Manor ES More >
Elementary School District Pine Grove ES More >
Middle School More >
Clear Graphics
Select A Property
Imagery
Data Layers
COMMUNITY
EXHIBIT NO.
8
180 Feet
Legend/Display More Data
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§ 400.1. Location; lot coverage.

Accessory buildings in residence zones, other than farm buildings (Section 404) **shall be located only in the rear yard** and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

§ 400.2. Setback.

[Bill No. 2-1992]

Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

§ 400.3. Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

COMMUNITY

EXHIBIT NO. 9

§ 1A05.4. Height and area regulations.

[Bill No. 32-1988]

A. Height limitation. The maximum permitted height for structures is 35 feet.

B. Subdivision lot density.

1. In the R.C.20 Zone, no lot of record having a gross area of 20 acres or less may be subdivided. A lot of record with a gross area of more than 20 acres may be subdivided only at a rate of one lot for each 20 acres of gross area. Exceptions can be made only if the subdivision is a bona fide intrafamily transfer in accordance with Section 1A05.5 of these regulations.

[Bill No. 9-1996]

COMMUNITY

EXHIBIT NO. 10

REPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0070

September Term, 2006

#2004-0252-SPHA

LAWRENCE SWOBODA, ET AL.

v.

CHARLES WILDER, ET UX.

Adkins,
Woodward,
Moylan, Charles E., Jr.
(Retired, Specially Assigned)

JJ.

Opinion by Adkins, J.

Filed: April 4, 2007

HON JUDGE CITES Boning Rules.

My Neighborhood Map

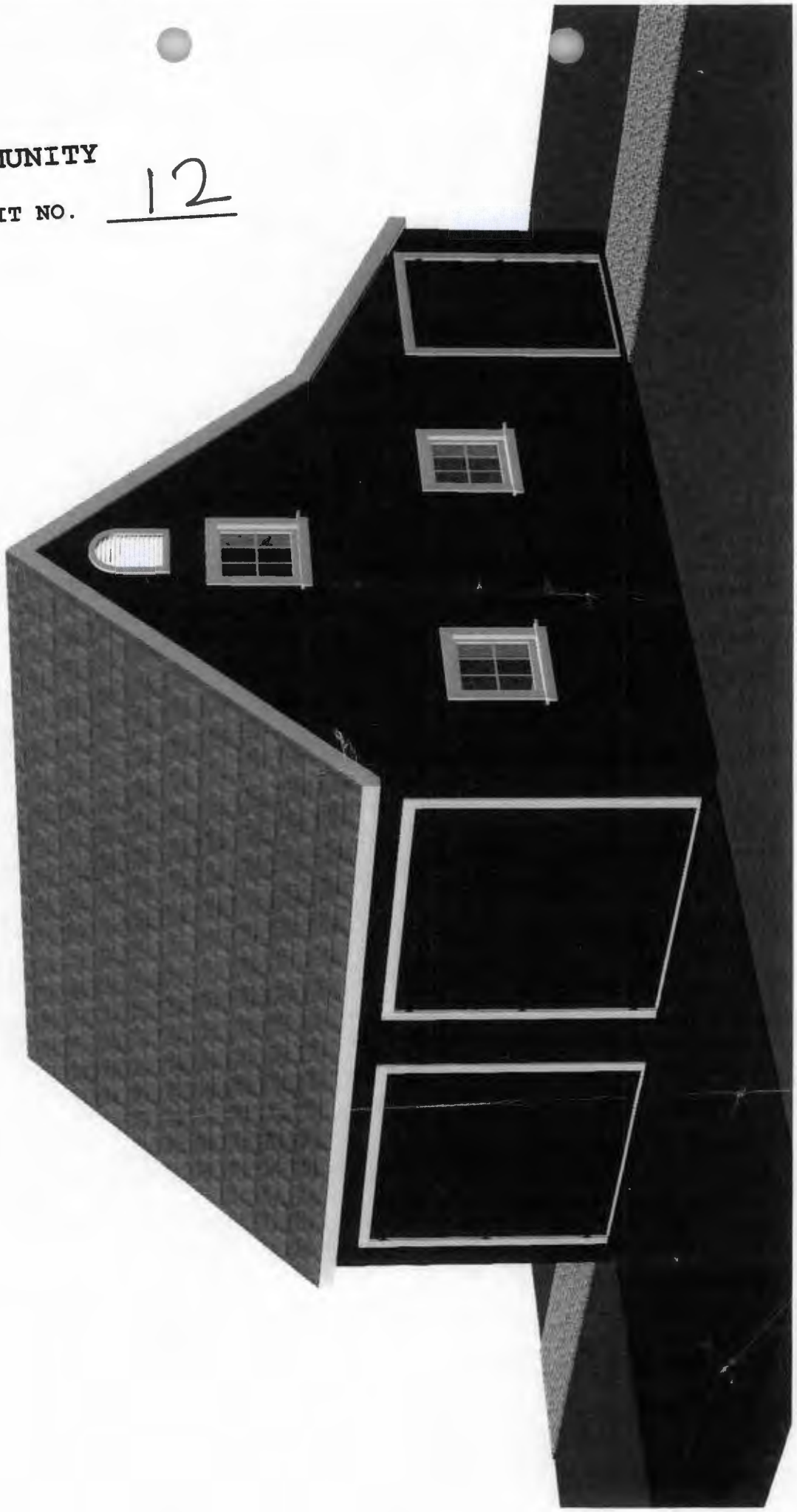
Created By
Baltimore County
My Neighborhood

This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 04/11/2012

COMMUNITY

EXHIBIT NO. 12



XFINITY Connect: Inbox (16860) - Windows Internet Explorer

http://sz0006.wc.mail.comcast.net/zimbra/mail?app=mail#2

File Edit View Favorites Tools Help

startnow Search Shopping Games Travel MSN Amazon eBay Facebook Twitter

XFINITY Connect: Inbox (16860)

xfinity. Home TV Connect Account Shop Help | Security Hi, ramprasad.venkatraman | Sign Out

Email Usage: 25% of 10 GB

Email Search

Home Email Voice Address Book Calendar Preferences Message

Folders

Inbox (16860)
Sent
Drafts (187)
Spam
Trash
RAM-TO-RAM (5)
Travel
Wedding

New Get Mail Reply Reply to All Forward Delete Move Spam Print

Front yard

PROMOTIONS

News Sports & More
Get Email Alerts!

Parkville Mom
Makes Botox...

Show 'em who's rich at the next reunion!
Study to be a ...
Accountant
Author
Counselor
Criminal Investigator
Detective
Engineer
Forensic Scientist
Graphic Designer

degrees.info

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Internet | Protected Mode: Off 100%

XFINITY Conne... 105 west chese... Google - Windo... Ramprasad Ra... AutoPlay \\PADMA\dell l... Printers dell laser printer... GARAGE SHED ... 8:02 AM

1 Bed Room
2 Bed Room
3 Living Room
4 Dining Room

COMMUNITY

EXHIBIT NO. 13

COMMUNITY

EXHIBIT NO. 14

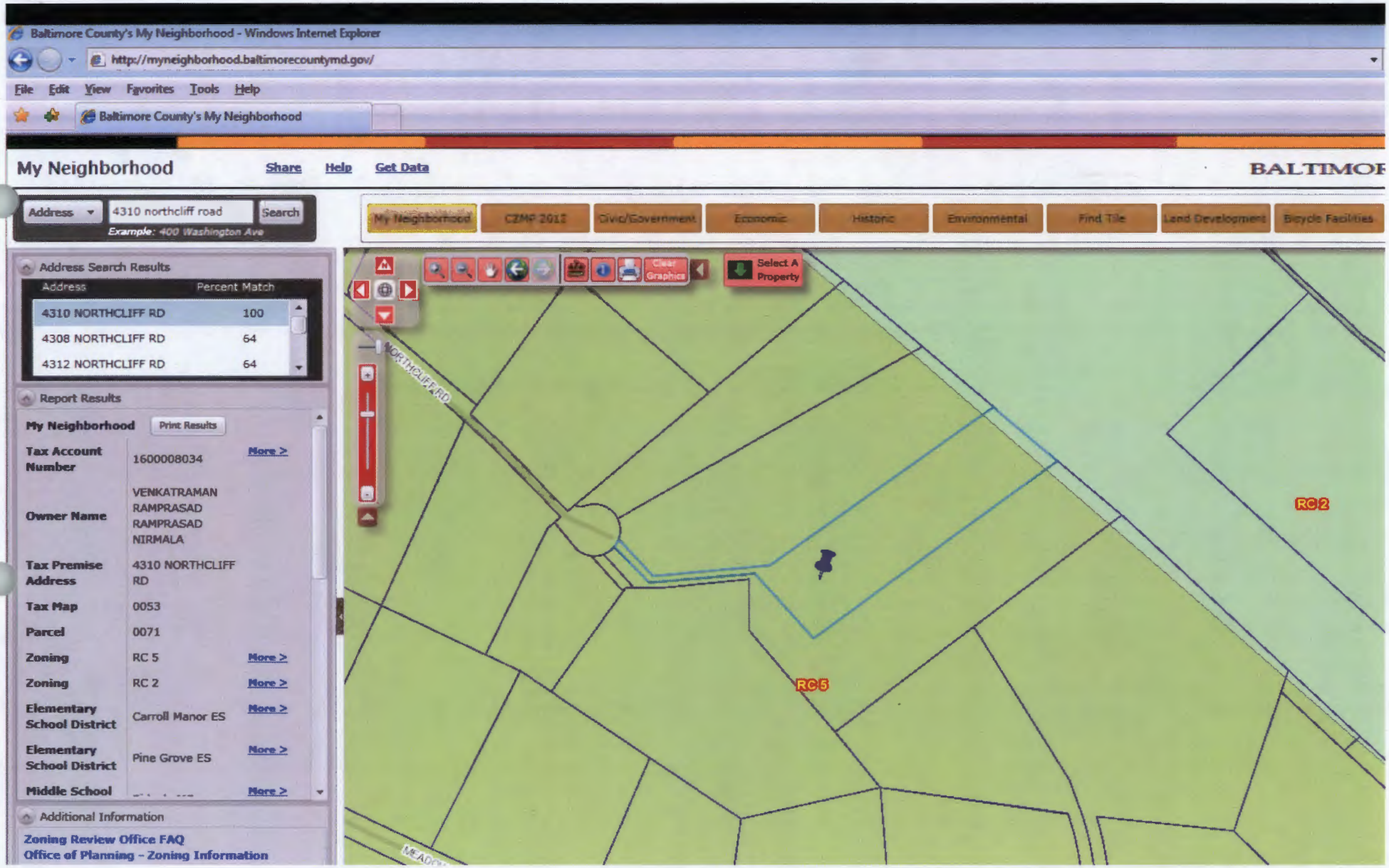
Case No: 12-198-A Case Name: V Belcher.

Exhibit List

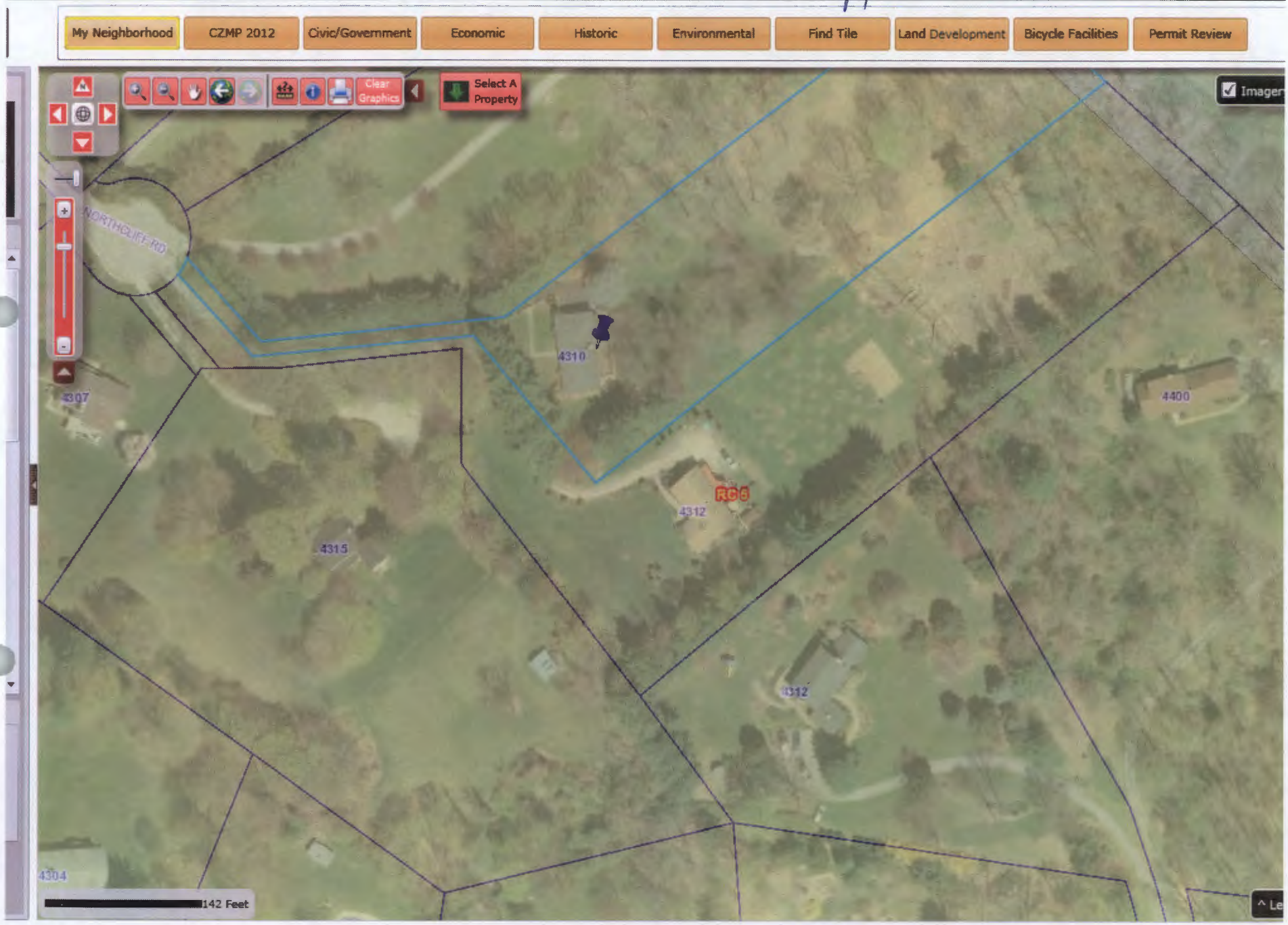
Party: Appellant - Venkatraman Date: 8-16-12

Exhibit No:	Description:
✓ 1	Site Plan -
✓ 2	Google Plat
✓ 3	Google map with address
	VERIFIED BY trs DATE: 8/16/12

Appellant Ex #2 Ap



Appellant Ex #3



Case No: 12-198-A Case Name: Belcher

Exhibit List

Party: Belcher / Petitioners Date: 8-16-12

Exhibit No:	Description:
1	Resume of John G. Trueschler
2	Aerial Photograph Belcher Property
3	Neighborhood View - Belcher Property
4	Photographs - site locations A to T
5	Alternative #2 - Location
6	Alternative #3 - Location
7	Alternative #1 - Proposed Garage
8	Sunlight Analysis
9	Analysis of proposed Locations
10	SDAT Summary
11	Picture Proposed Barn
12	Material Product analysis
13	Photograph of FDR Home
? 14	~~Letter~~ Administrative Law Judge File
corrected Exhibits	~~Sent~~ sent to BOA please see below
	VERIFIED BY ~~AO~~ tra DATE: 8/16/12 8/14/12

Case No: 12-198-A Case Name: Belcher

Exhibit List

Party: Belcher / Date: 8-16-12

Exhibit No:	Description:
15	Landscape map
16	Google Map - Appellant documents
	VERIFIED BY trs DATE: 8/16/12

EXHIBIT 1

John G. Trueschler

President, Tesseract Sites, Inc.
401 Washington Avenue, Suite 303 ▫ Towson, Maryland 21204
410-321-7600 ▫ john.trueschler@tesseractsites.com

Education

Doctor of Jurisprudence, With Honors, University of Maryland School of Law, May 1991
Order of the Coif; four American Jurisprudence Awards: Torts, Contracts, Professional Ethics, and Real Estate Negotiating and Drafting

B.S. Landscape Architecture, Magnum Cum Laude, West Virginia University, May 1979
American Society of Landscape Architects Certificate of Honor; various honorary societies including Alpha Zeta, Sphinx, and Phi Kappa Phi

Experience

2006-Current **Tesseract Sites, Inc.** - Founder and President. The company is comprised of licensed civil engineers, landscape architects, CAD technicians, and support staff providing planning and engineering services for all types of private real estate development (residential buildings and subdivisions, office, retail, industrial, hospitals, churches, colleges and schools) and public projects (community buildings, libraries, police & fire stations, recreation centers, parks). In addition to providing traditional design services for mid-sized projects (1 to 25 million dollars), the firm also employs a design-build approach for smaller projects.

2002-2006 **Maryland General Assembly House of Delegates** - Delegate for District 42
Served on the Economic Matters Committee which deals with Banking, Finance, Insurance, Business Regulation, Maritime issues, and Utilities; appointed to the Speaker's task force on Medical Malpractice Insurance Reform. Elected office provided the opportunity to be engaged in hundreds of public hearings on proposed legislation, numerous public speaking engagements, highly-charged floor debates, and television and radio appearances, and to develop relationships with business and political leaders. I chose not to run for re-election because of family needs.

1995-2006 **Site Resources, Inc.** - Site Planning & Civil Engineering - Vice-President
Responsibilities included: being the lead designer and project manager for development projects ranging up to $60 million; representing the firm before clients, public officials, government agencies, and communities; scheduling work and directing teams of licensed professionals and support staff; preparing proposals and invoices; and bringing key people to the company which grew from 3 people to 30 people during my tenure.

1991-1995 **Sole Practitioner** - Land Planning; General Practice Law

1987-1991 **Poffel & Walker, Inc.** - Real Estate Development - Project Manager
Responsibilities included: finding and evaluating properties to be acquired; preparing feasibility studies, site plans, and cost estimates; representing the firm at public meetings and hearings; managing attorneys and design consultants; providing quality control and value engineering;

Belcher

EXHIBIT 4 – PHOTOGRAPHS BY TESSERACT SITES, INC. (JOHN TRUESCHLER)

PHOTOGRAPH A: 4307 NORTHCLIFF ROAD (NORTHWEST OF BELCHER RESIDENCE)
(The word "Photograph" will not repeated. The locations on photographs are shown on Exhibit 3)

B: 4310 NORTHCLIFF ROAD, APPELLANT'S HOUSE (NORTHEAST OF BELCHER RESIDENCE)

Ex 9
Belcher

Alternate	Tree Removal Required	Area of Disturbance	New Impervious Area	Suitable Outfall	Permits
1	None	building footprint only	None	Not Needed	Building
2	1 48 " Sugar Maple Specimen Tree	6,700 sq. ft	2,220 sq. ft.	Required, off-site	SWM, Grading, Building
3	1 42" Sugar Maple Specimen Tree	13,950 sq. ft.	3,820 sq. ft.	Required, off-site	SWM, Grading, Building

§ 1A04.4. Performance standards. RCS Performance Standards

D. Site planning.

1. A development proposal shall:

a. Reflect the traditional rural character of the area in architectural form, scale, materials, detailing and landscaping context.

b. Retain the existing quality vegetation of the site to the fullest extent possible and protect the root systems of the remaining vegetation during construction.

c. Integrate, where possible, significant features of the site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks and gardens, into the site design, and retain the existing character of the features and their settings.

d. Coordinate building design, site layout, and grading so that grade transitions are gradual and respect the existing topography.

e. Provide for smooth transitions between the proposed development and the surrounding rural area by arranging and orienting the proposed buildings and site improvements to complement those in the surrounding vicinity.

f. Provide varietal transitions between proposed buildings and site improvements with respect to setback, street patterns, and building-to-street grade relationships.

Belcher 10

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

Account Identifier: **District - 11 Account Number - 1119054010**

Owner Information

Owner Name:	BELCHER GREGORY P BELCHER HELENE D	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	4315 NORTHCLIFF RD GLEN ARM MD 21057-9531	**Deed Reference:**	1) /26582/ 00557 2)

Location & Structure Information

Premises Address
4315 NORTHCLIFF RD
0-0000

Legal Description
3.20 AC SE 15 FT R/W
4315 NORTHCLIFF RD
650 SE MANOR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0053	0021	0375		0000				3	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1854	3,424 SF	3.2000 AC	04

Stories	Basement	Type	Exterior
2.500000	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2012	Phase-in Assessments As Of 07/01/2011	Phase-in Assessments As Of 07/01/2012
Land	170,800	170,800		
Improvements:	285,600	206,400		
Total:	456,400	377,200	456,400	377,200
Preferential Land:	0			0

Transfer Information

Seller:	SMITH MAE K TRUSTEE	**Date:**	01/16/2008	**Price:**	$649,900
Type:	ARMS LENGTH MULTIPLE	**Deed1:**	/26582/ 00557	**Deed2:**	
Seller:	SMITH ROBERT C	**Date:**	10/25/1999	**Price:**	$0
Type:	NON-ARMS LENGTH OTHER	**Deed1:**	/14109/ 00006	**Deed2:**	
Seller:	BORO GILBERT V	**Date:**	01/14/1969	**Price:**	$37,500
Type:	ARMS LENGTH IMPROVED	**Deed1:**	/04955/ 00339	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
NONE

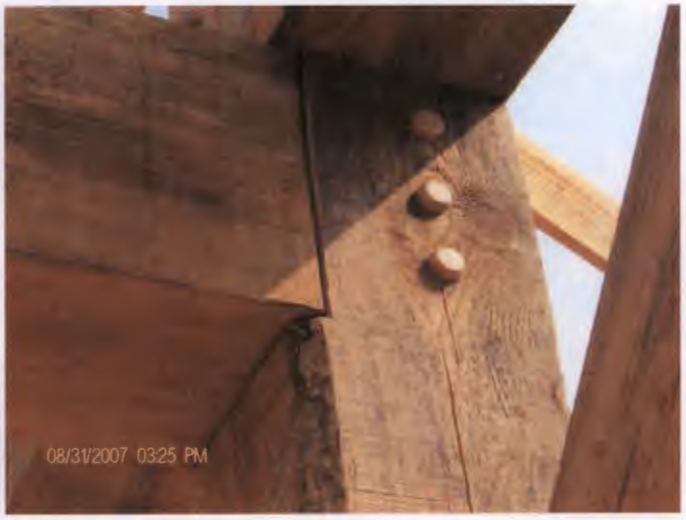
Homestead Application Information

Homestead Application Status: **No Application**

Belcher 11

Belcher 12

AMERICAN COUNTRY BARNS
JOINERY PHOTOS



Belcher #16

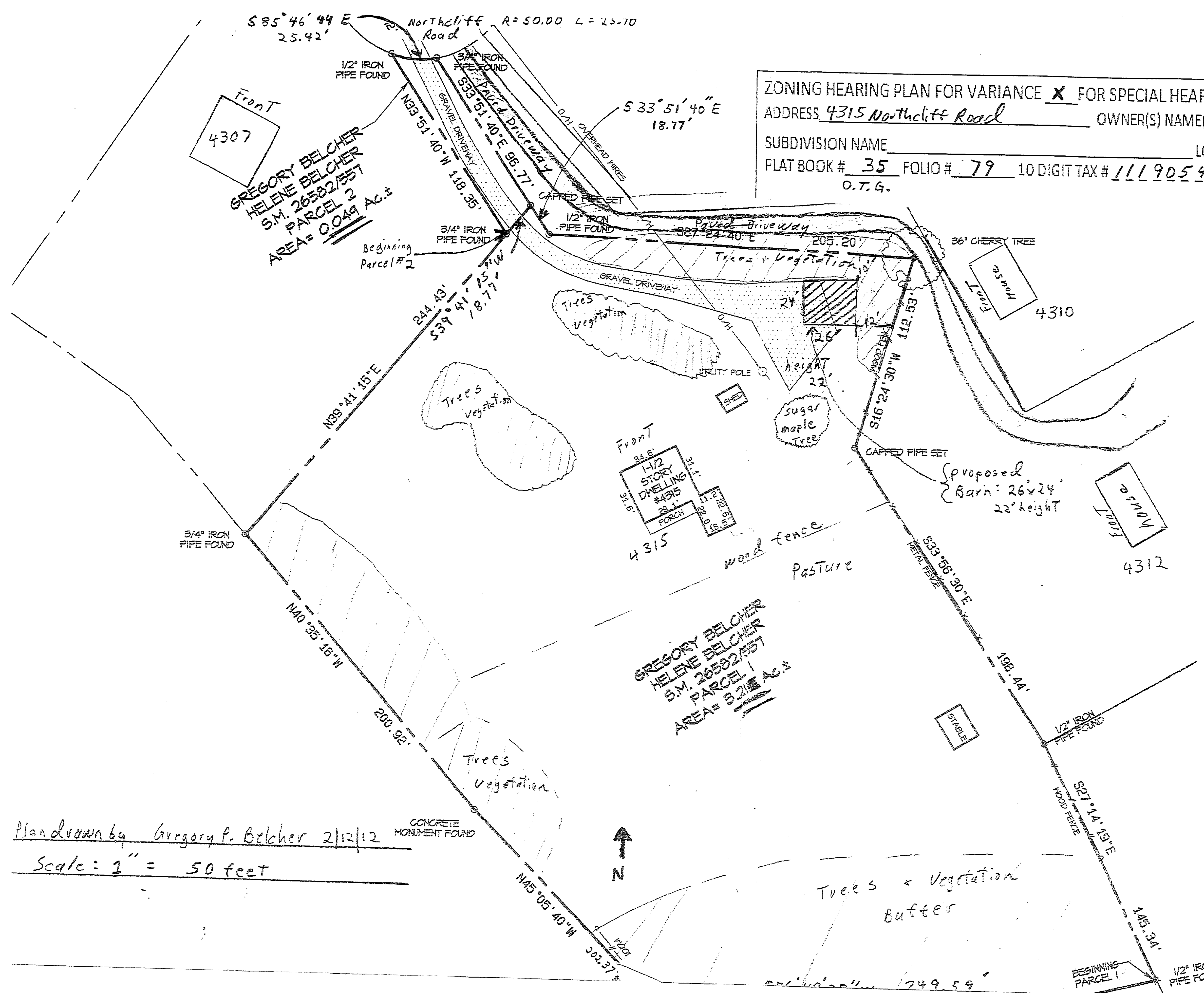
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING ____ (MARK TYPE REQUESTED WITH X)

ADDRESS 4315 Northcliff Road OWNER(S) NAME(S) Gregory P. and Helene Belcher

SUBDIVISION NAME ____ LOT # ____ BLOCK # ____ SECTION # ____

PLAT BOOK # 35 FOLIO # 79 10 DIGIT TAX # 1119054010 DEED REF. # 26582/00557

O.T.G.



Plan drawn by Gregory P. Belcher 2/12/12

Scale: 1" = 50 feet

SITE VICINITY MAP

N

MAP IS NOT TO SCALE

ZONING MAP# 053B3

SITE ZONED RC-5

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 3.212

OR SQUARE FEET —

HISTORIC ? NO

IN CBCA ? NO

IN FLOOD PLAIN ? No

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ____ PRIVATE X

SEWER IS:

PUBLIC ____ PRIVATE X

PRIOR HEARING ? No

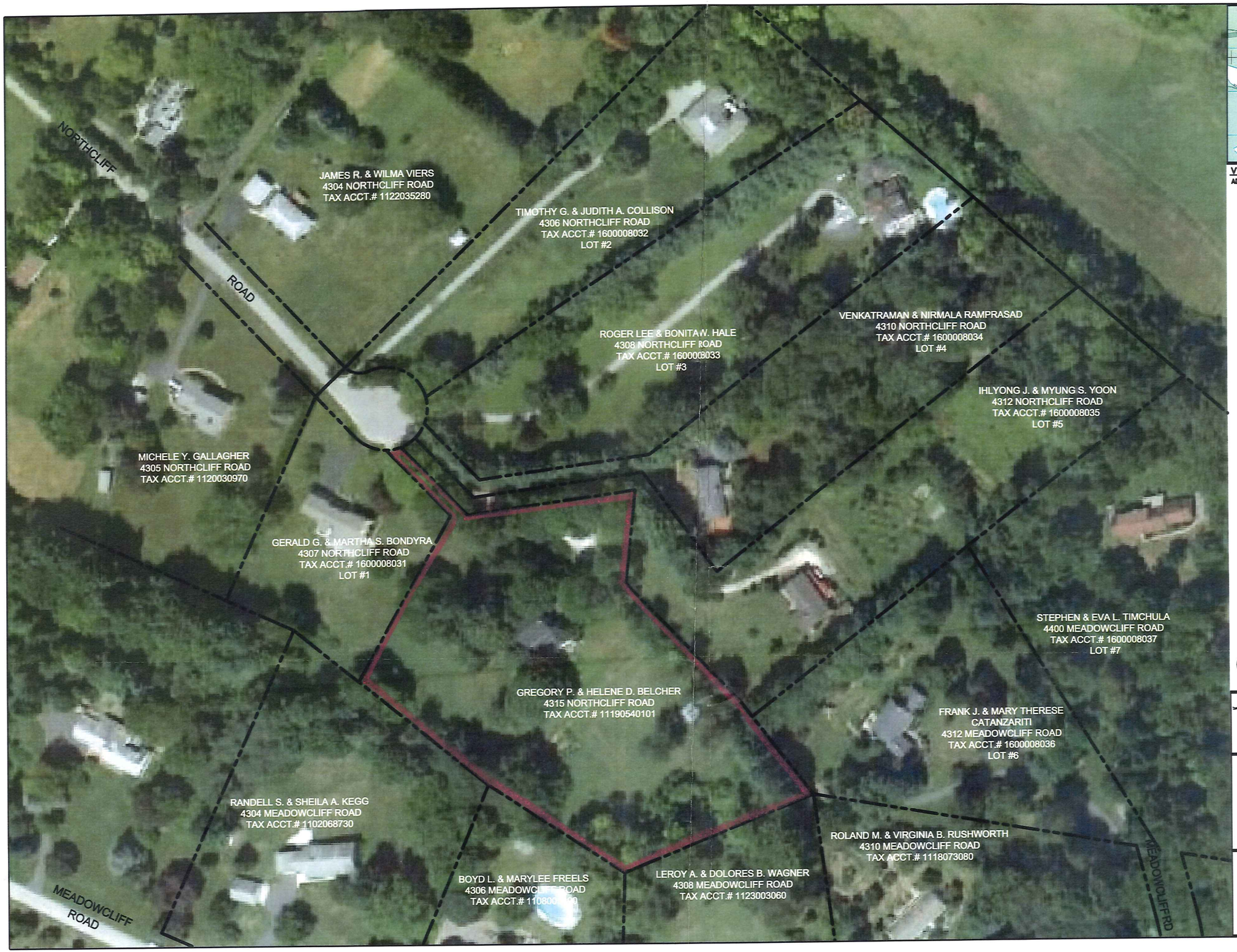
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

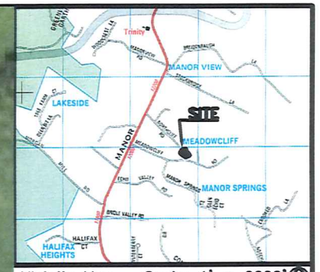
N/A

VIOLATION CASE INFO:

N/A

Applicant #1





Vicinity Map – Scale: 1" = 2000'

ADC The Map People – Permitted Use # 20612205

N 0' 50' 100' 150'

Tesseract
TESSERACT SITES, INC
401 Washington Ave. Suite 303
Towson, Maryland, 21204
p. 410.321.7800
f. 410.321.7801

Aerial Photograph
Belcher Property

3.2 ACRES ZONING: RC 5
4315 NORTHCLIFF ROAD
GLEN ARM, MARYLAND 21057

Date: 8/15/2012
Proj. #: 12017
Not to Scale

Exhibit 2

DESIGN: JST | DRAWN: MAS | CHKED: JLS

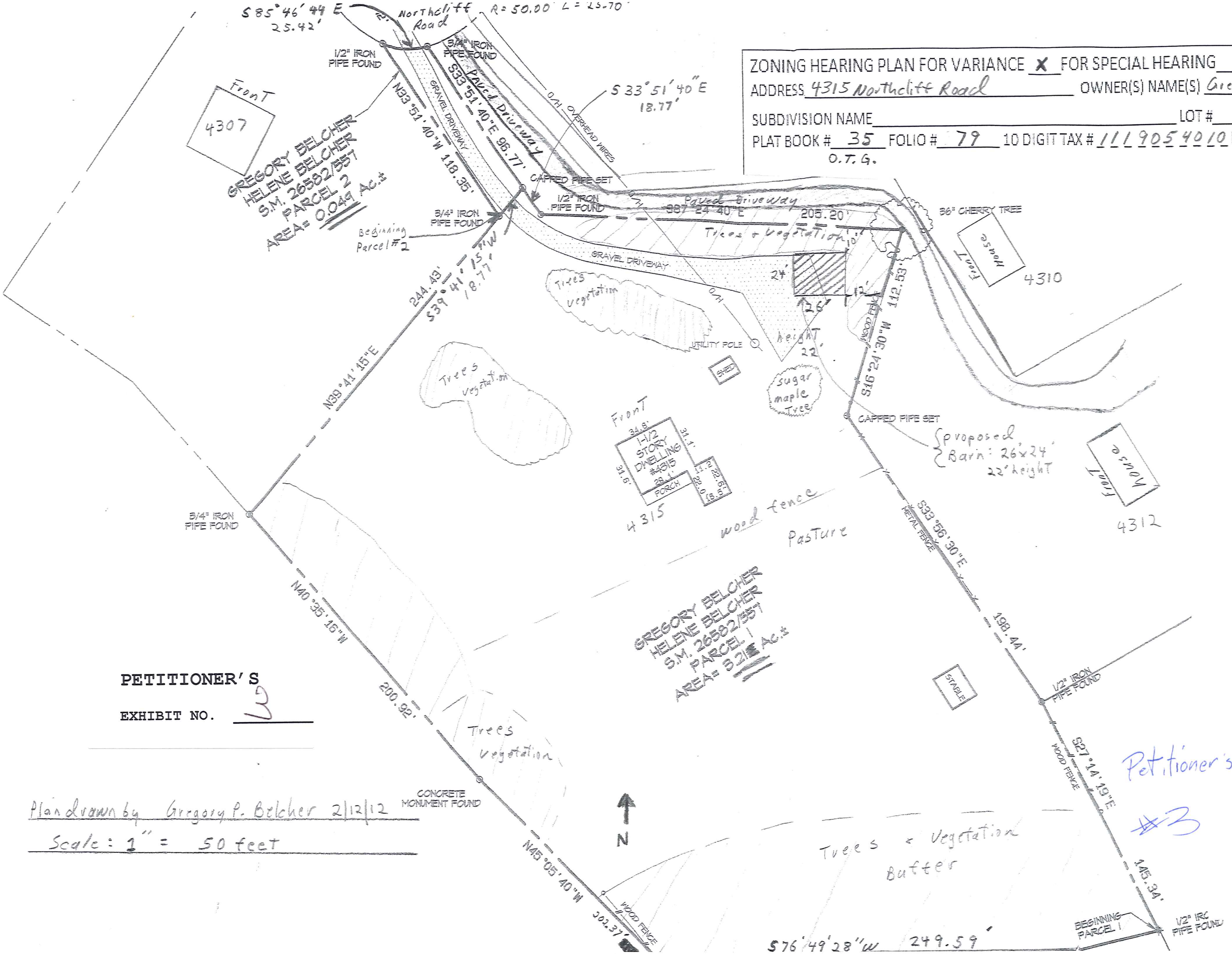
Belcher

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING ____ (MARK TYPE REQUESTED WITH X)

ADDRESS 4315 Northcliff Road OWNER(S) NAME(S) Gregory P. and Helene Belcher

SUBDIVISION NAME ________ LOT # ____ BLOCK # ____ SECTION # ____

PLAT BOOK # 35 O.T.G. FOLIO # 79 10 DIGIT TAX # 1119054010 DEED REF. # 26582/00557



S 85°46'44 E 25.42'
Northcliff Road
R = 50.00 L = 25.70
1/2" IRON PIPE FOUND
3/4" IRON PIPE FOUND
Paved Driveway
S 33°51'40" E 18.77'
N33°51'40"W 118.35'
S33°51'40"E 96.77'
GRAVEL DRIVEWAY
O/H OVERHEAD WIRES
CAPPED PIPE SET
S87°24'40"E 205.20'
Trees + Vegetation
36" CHERRY TREE
Front House 4310
Front 4307
GREGORY BELCHER
HELENE BELCHER
S.M. 26582/557
PARCEL 2
AREA= 0.049 Ac.±
Beginning Parcel #2
244.43'
S39°41'15"W 18.77'
N39°41'15"E
24'
26'
12'
10'
height 22'
112.53'
S16°24'30"W
WOOD FENCE
UTILITY POLE
SHED
sugar maple Tree
CAPPED PIPE SET
proposed Barn: 26'x24' 22' height
Front
1-1/2 STORY DWELLING #4315
PORCH
4315
wood fence
Pasture
Front House 4312
3/4" IRON PIPE FOUND
N40°35'16"W 200.92'
S33°56'30"E 198.44'
METAL FENCE
GREGORY BELCHER
HELENE BELCHER
S.M. 26582/557
PARCEL 1
AREA= 3.21 Ac.±
STABLE
1/2" IRON PIPE FOUND
S27°14'19"E 145.34'
Trees Vegetation
CONCRETE MONUMENT FOUND
N
N45°05'40"W 102.37'
Trees & Vegetation Buffer
BEGINNING PARCEL 1
1/2" IRC PIPE FOUND
S76°49'28"W 249.59'

SITE VICINITY MAP

N

MAP IS NOT TO SCALE

ZONING MAP# ________

SITE ZONED RC-5

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 3.212

OR SQUARE FEET —

HISTORIC ? NO

IN CBCA ? NO

IN FLOOD PLAIN ? No

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ____ PRIVATE X

SEWER IS:

PUBLIC ____ PRIVATE X

PRIOR HEARING ? No

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

N/A

PETITIONER'S

EXHIBIT NO. 3

Petitioner's Ex #3

Plan drawn by Gregory P. Belcher 2/12/12

Scale: 1" = 50 feet

HOUSE BUILT: 1957
JAMES R. & WILMA VIERS
4304 NORTHCLIFF ROAD
TAX ACCT.# 1122035280

HOUSE BUILT: 1977
TIMOTHY G. & JUDITH A. COLLISON
4306 NORTHCLIFF ROAD
TAX ACCT.# 1600008032
LOT #2

HOUSE BUILT: 1984
ROGER LEE & BONITA W. HALE
4308 NORTHCLIFF ROAD
TAX ACCT.# 1600008033
LOT #3

HOUSE BUILT: 1973
VENKATRAMAN & NIRMALA RAMPRASAD
4310 NORTHCLIFF ROAD
TAX ACCT.# 1600008034
LOT #4

HOUSE BUILT: 1979
IHLYONG J. & MYUNG S. YOON
4312 NORTHCLIFF ROAD
TAX ACCT.# 1600008035
LOT #5

HOUSE BUILT: 1968
MICHELE Y. GALLAGHER
4305 NORTHCLIFF ROAD
TAX ACCT.# 1120030970

HOUSE BUILT: 1977
GERALD G. & MARTHA S. BONDYRA
4307 NORTHCLIFF ROAD
TAX ACCT.# 1600008031
LOT #1

HOUSE BUILT: 1854
GREGORY P. & HELENE D. BELCHER
4315 NORTHCLIFF ROAD
TAX ACCT.# 11190540101

HOUSE BUILT: 1956
RANDELL S. & SHEILA A. KEGG
4304 MEADOWCLIFF ROAD
TAX ACCT.# 1102068730

HOUSE BUILT: 1967
BOYD L. & MARYLEE FREELS
4306 MEADOWCLIFF ROAD
TAX ACCT.# 1108005190

HOUSE BUILT: 1967
LEROY A. & DOLORES B. WAGNER
4308 MEADOWCLIFF ROAD
TAX ACCT.# 1123003060

HOUSE BUILT: 1976
STEPHEN & EVA L. TIMCHULA
4400 MEADOWCLIFF ROAD
TAX ACCT.# 1600008037
LOT #7

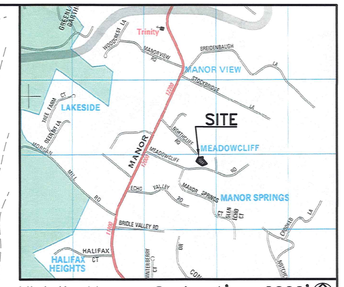
HOUSE BUILT: 1975
FRANK J. & MARY THERESE CATANZARITI
4312 MEADOWCLIFF ROAD
TAX ACCT.# 1600008036
LOT #6

ROLAND M. & VIRGINIA B. RUSHWORTH
4310 MEADOWCLIFF ROAD
TAX ACCT.# 1118073080

HOUSE BUILT: 1965

EX. WELL
EX. SEPTIC AREA
EX. DRIVEWAY
EX. WHITE PINES
EX. 36" NORWAY SPRUCE
EX. PUMP HOUSE
EX. 48" SUGAR MAPLE
EX. 42" SUGAR MAPLE
EX. HOUSE
PATIO
BACK YARD
SEPTIC RESERVE AREA
EX. FENCE
PASTURE
EX. STABLE
MEADOWCLIFF RD
100'

0' 50' 100' 150'



Vicinity Map – Scale: 1' = 2000'
ADC The Map People – Permitted Use # 20612205

LEGEND

- Ex. Contours (460)
- Ex. Buildings
- Ex. Woodsline
- Ex. Property Line
- Ex. Roads
- Ex. Septic Area (EX. SEPTIC AREA)
- Ex. Well (100', EX. WELL)

PHOTOGRAPHS (IDENTIFIED BY LETTER DIRECTION INDICATED BY ARROW)

THE BELCHER PROPERTY IS A RESIDUAL PARCEL AND NOT PART OF ANY SUBDIVISION.

LOTS WEST AND NORTH OF THE BELCHER RESIDENCE (4306, 4307, 4308, 4310, AND 4312 NORTHCLIFF ROAD, AND 4312 MEADOWCLIFF ROAD) WERE CREATED BY SUBDIVISION PLAT OF "HARVESTED", 35 FOLIO 79, 1972.

LOTS TO THE EAST AND SOUTH (4304, 4306, 4308, AND 4310 MEADOWCLIFF ROAD) WERE CREATED BY SUBDIVISION PLAT SECTION 'A' MEADOWCLIFF, 20, FOLIO 51.

THERE ARE NO STREAMS, WETLANDS, FLOODPLAINS, OR BUFFERS ON THE PROPERTY. ALTHOUGH THE HOUSE WAS BUILT IN 1854, THE PROPERTY IS NOT ON THE HISTORIC REGISTRY. THERE IS NO PRIOR ZONING HISTORY FOR THIS PROPERTY.

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Towson, Maryland, 21204
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f. 410.321.7601

Neighborhood View
Existing Conditions

Belcher Property

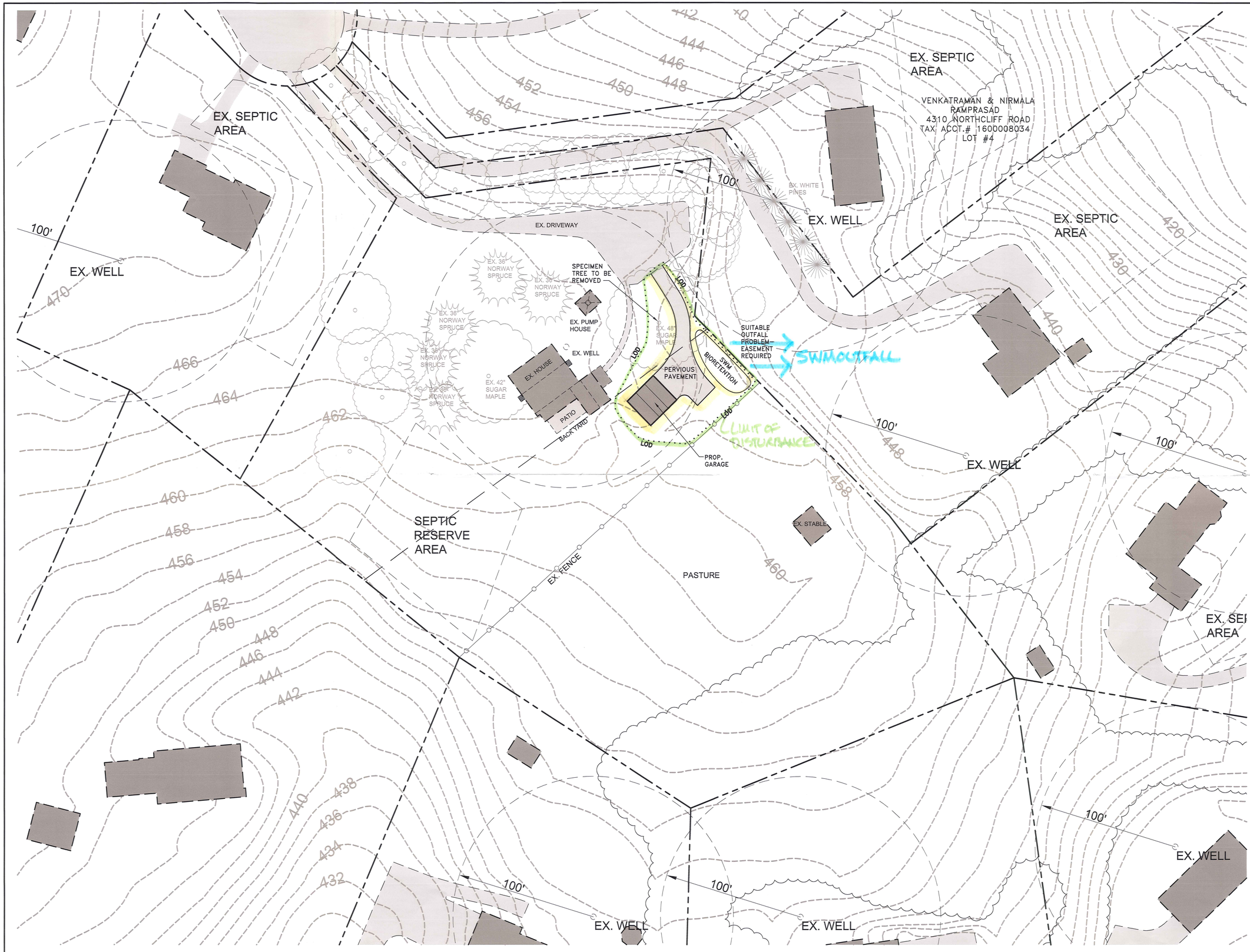
DEED REF.: LIBER 26582, FOLIO 557
3.2 ACRES ZONING: RC 5
4315 NORTHCLIFF ROAD
GLEN ARM, MARYLAND 21057
ELECTION DISTRICT 11, COUNCIL DISTRICT 3

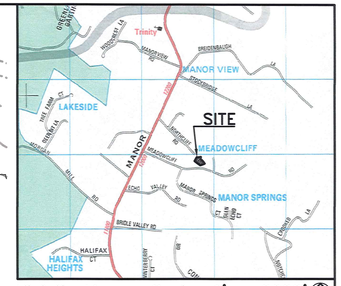
N

Date: 8/15/2012
Proj. #: 12017
Scale: 1" = 50'

Exhibit 3

DESIGN: JGT | DRAWN: MAS | CHKED: JLS





Vicinity Map – Scale: 1' = 2000'

ADC The Map People – Permitted Use # 20612205

SITE IMPACT, PRACTICAL DIFFICULTIES, AND HARDSHIPS

TREES CLEARED:
A 48" Sugar Maple, which is a SPECIMEN TREE protected under state law. A variance from the Forest Conservation regulations would be required in order to remove the tree.

DISTURBANCE:
6,700 square feet of disturbance required to excavate and grade land to extend driveway and construct storm water management facility. A grading permit is required.

NEW IMPERVIOUS SURFACE:
Alternate #2 generates an additional 2,220 square feet of new impervious surface.

SUITABLE OUTFALL REQUIRED:
Storm Water Management (SWM) facilities require a suitable outfall, usually a public storm drain system or discharge to a stream or buffer. In this case, the point of discharge would be to a neighbor's lot. This is not a suitable outfall unless the neighbors are willing to grant a drainage easement across their property, or the SWM facility is over-designed to manage 100-year storm events. Obtaining off-site easements, and the additional space requirements and cost of 100-year management are practical difficulties and hardships.

PERMITS:
Alternate #2 requires both a Grading Permit and a SWM Permit. Neither permit is required if the garage is constructed in the desired location on the existing driveway.

ADDITIONAL TIMES & COSTS:
The additional time required to design and obtain the required approvals for SWM Plans and the above Permits is 4 to 6 months. Additional surveying and engineering costs would be approximately $14,000. Additional construction costs would be approximately $60,000 to $70,000 for sediment control, excavation & grading, new driveway, and SWM measures (pervious concrete pavement, bioretention facility, and level spreader).

N 0' 30' 60' 90'

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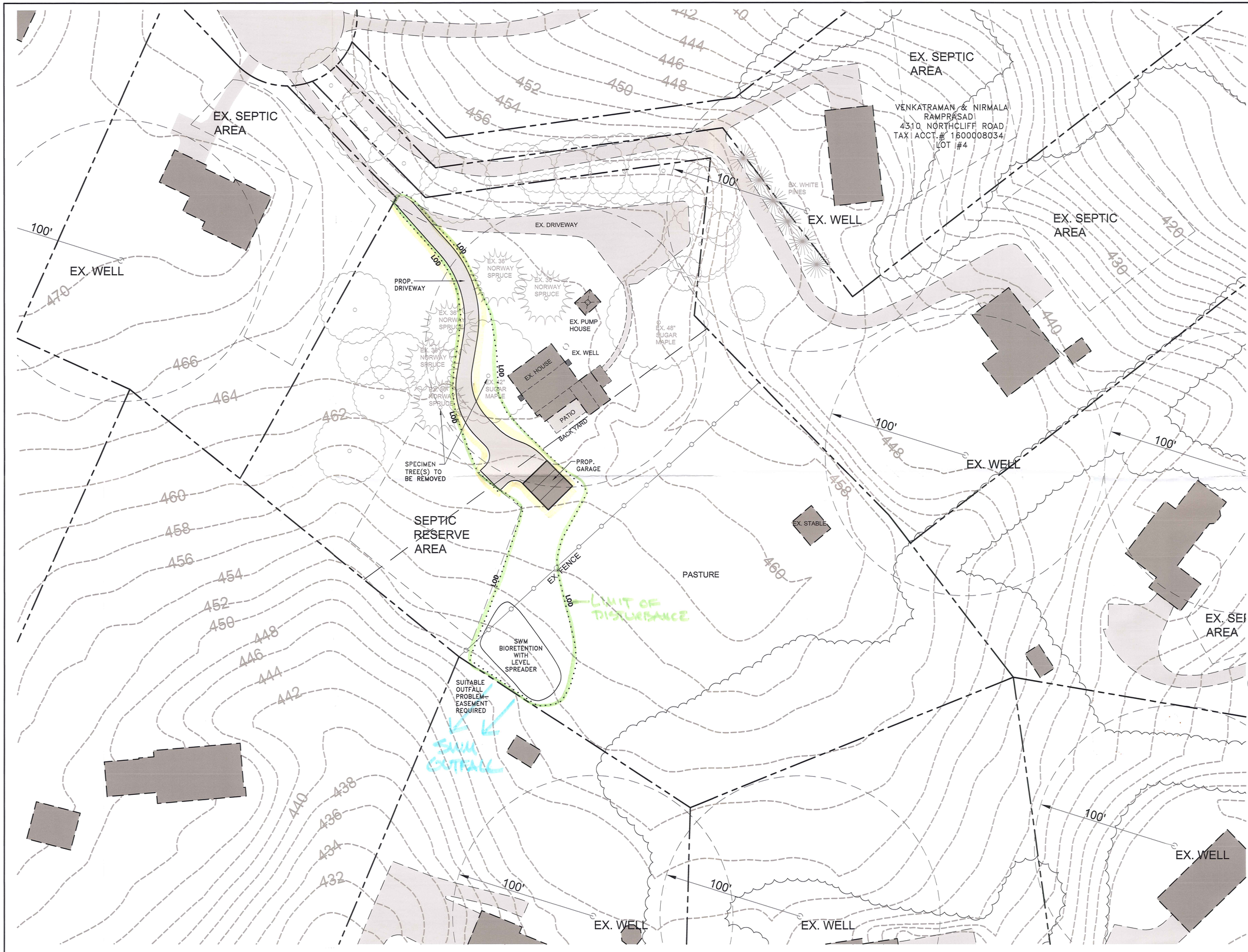
Alternate #2 Location for Proposed Garage
Belcher Property

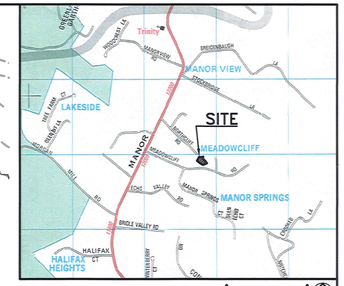
4315 NORTHCLIFF ROAD
BALTIMORE COUNTY, MARYLAND

Date: 8/15/2012
Proj. #: 12017
Scale: 1" = 30'

Exhibit 5

DESIGN: JGT | DRAWN: MAS | CHKED: JLS





Vicinity Map – Scale: 1' = 2000'

ADC The Map People – Permitted Use # 20612205

SITE IMPACT, PRACTICAL DIFFICULTIES, AND HARDSHIPS

TREES CLEARED:
A 42" Sugar Maple, which is a SPECIMEN TREE protected under state law. A variance from the Forest Conservation regulations would be required in order to remove the tree.

DISTURBANCE:
13,950 square feet of disturbance required to excavate and grade land to extend driveway and construct storm water management facility. A grading permit is required.

NEW IMPERVIOUS SURFACE:
Alternate #3 generates an additional 3,820 square feet of new impervious surface.

SUITABLE OUTFALL REQUIRED:
Storm Water Management (SWM) facilities require a suitable outfall, usually a public storm drain system or discharge to a stream or buffer. In this case, the point of discharge would be to a neighbor's lot. This is not a suitable outfall unless the neighbors are willing to grant a drainage easement across their property, or the SWM facility is over-designed to manage 100-year storm events. Obtaining off-site easements, and the additional space requirements and cost of 100-year management are practical difficulties and hardships.

PERMITS:
Alternate #3 requires both a Grading Permit and a SWM Permit. Neither permit is required if the garage is constructed in the desired location on the existing driveway.

ADDITIONAL TIMES & COSTS:
The additional time required to design and obtain the required approvals for SWM Plans and the above Permits is 4 to 6 months. Additional surveying and engineering costs would be approximately $12,000. Additional construction costs would be approximately $70,000 to $80,000 for sediment control, excavation & grading, new driveway, and SWM measures (pervious concrete pavement, bioretention facility, and level spreader).

N

0' 30' 60' 90'

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Alternate #3 Location for Proposed Garage
Belcher Property

4315 NORTHCLIFF ROAD
BALTIMORE COUNTY, MARYLAND

Date: 8/15/2012
Proj. #: 12017
Scale: 1" = 30'

Exhibit 6

DESIGN: JGT | DRAWN: MAS | CHKED: JLS

EX. SEPTIC AREA

EX. WELL

100'

470

466

464

462

460

458

456

454

452

450

448

446

444

442

440

438

436

434

432

4" PROP. NELLIE STEVENS HOLLIES

10' MIN

LOD

24'

26'

12'

EX. DRIVEWAY

PROP. BARN/GARAGE

EX. 36" NORWAY SPRUCE

EX. 36" NORWAY SPRUCE

EX. 36" NORWAY SPRUCE

EX. 36" NORWAY SPRUCE

EX. 36" NORWAY SPRUCE

EX. PUMP HOUSE

EX. WELL

EX. 48" SUGAR MAPLE

EX. HOUSE

EX. 42" SUGAR MAPLE

PATIO

BACKYARD

SEPTIC RESERVE AREA

EX. FENCE

PASTURE

EX. STABLE

EX. WHITE PINES

EX. WELL

EX. SEPTIC AREA

VENKATRAMAN & NIRMALA RAMPRASAD
4310 NORTHCLIFF ROAD
TAX ACCT.# 1600008034
LOT #4

EX. SEPTIC AREA

EX. WELL

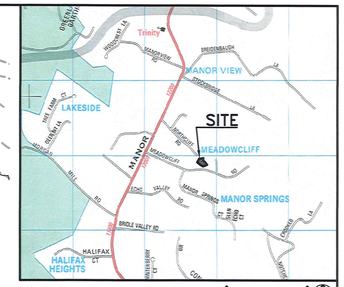
EX. WELL

EX. WELL

EX. WELL

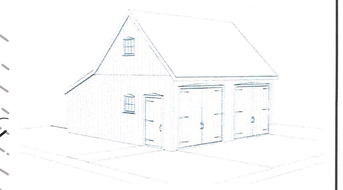
EX. SEPTIC AREA

100'



Vicinity Map – Scale: 1' = 2000'

ADC The Map People – Permitted Use # 20612205



SITE IMPACT, PRACTICAL DIFFICULTIES, AND HARDSHIPS

TREES CLEARED:
None.

DISTURBANCE:
Only the building footprint.

NEW IMPERVIOUS SURFACE:
None. The garage will be constructed on the existing driveway.

SUITABLE OUTFALL REQUIRED:
None needed; no storm water management is required.

PERMITS:
No Grading Permit or SWM Permit are required if the garage is constructed in as shown.

ADDITIONAL TIMES & COSTS:
No additional time is required for design, and site construction costs are limited to planting evergreen trees to screen the back of the garage from the neighbors home.

N

0' 30' 60' 90'

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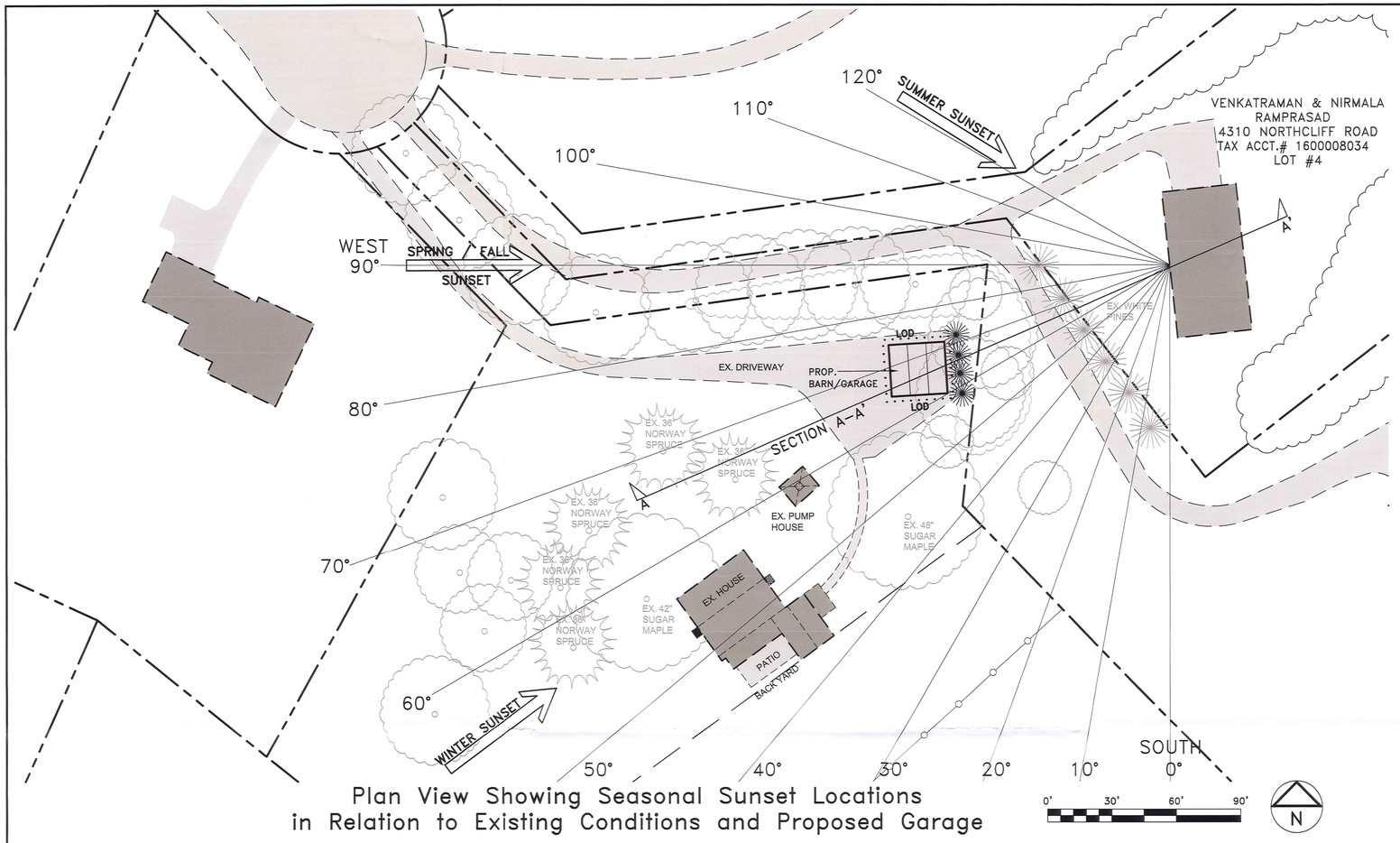
Alternate #1 Location for Proposed Garage
Belcher Property

4315 NORTHCLIFF ROAD
GLEN ARM, MARYLAND 21057
ELECTION DISTRICT 11, COUNCIL DISTRICT 3

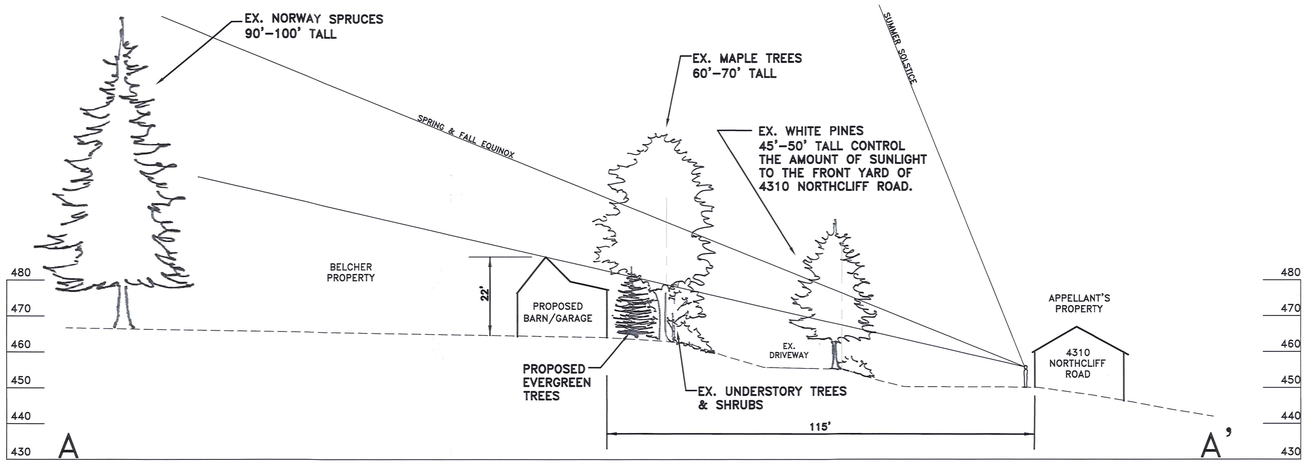
Date:	8/15/2012
Proj. #:	12017
Scale:	1" = 30'

Exhibit 7

DESIGN: JGT	DRAWN: MAS	CHKED: JLS

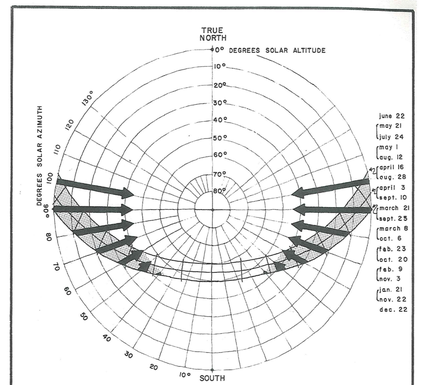


Plan View Showing Seasonal Sunset Locations
in Relation to Existing Conditions and Proposed Garage

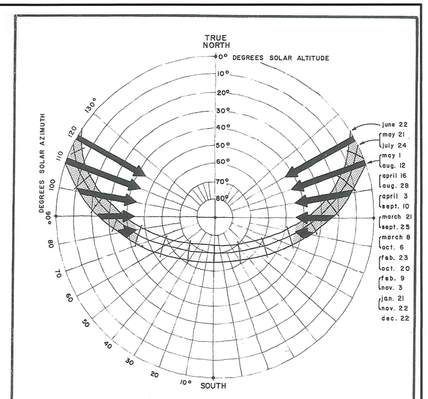


SECTION A-A'

This section shows that the proposed barn/garage does not reduce sunlight to 4310 Northcliff Road. Existing trees (a row of 45'-50' tall white pines along the appellant's property line, 60'-70' maples on the west side of the driveway, and 90'-100' Norway Spruces) limit sunlight to appellant's the front yard. The barn/garage, at 22' high, has no impact on sunlight.

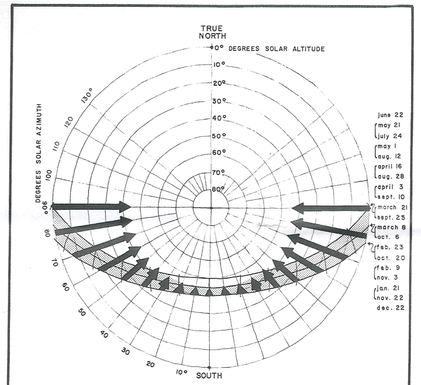


SOLAR ALTITUDE AND AZIMUTH | SPRING 40°N | FIG. 45

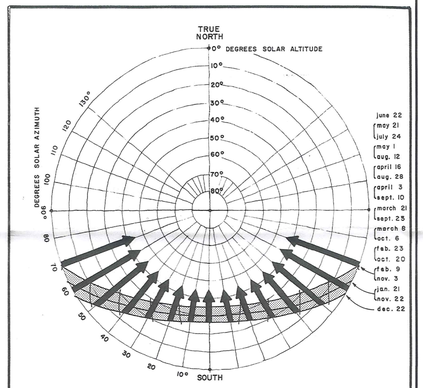


SOLAR ALTITUDE AND AZIMUTH | SUMMER 40°N | FIG. 44

444



SOLAR ALTITUDE AND AZIMUTH | FALL 40°N | FIG. 46



SOLAR ALTITUDE AND AZIMUTH | WINTER 40°N | FIG. 47

Handbook of Landscape Architectural Construction, Jot D. Carpenter, Editor, Published by The Landscape Architecture Foundation, 1976, pp 444-447

HOURS OF DAYLIGHT
http://www.orchidculture.com/COD/daylength.html#40N

Latitude 40°N						
Date	Jan 1	Jan 16	Feb 1	Feb 16	Mar 1	Mar 16
Hours light	9.21	9.46	9.92	10.48	11.02	11.68
Date	Apr 1	Apr 16	May 1	May 16	Jun 1	Jun 16
Hours light	12.41	13.07	13.68	14.21	14.63	14.82
Date	Jul 1	Jul 16	Aug 1	Aug 16	Sep 1	Sep 16
Hours light	14.81	14.58	14.13	13.59	12.92	12.25
Date	Oct 1	Oct 16	Nov 1	Nov 16	Dec 1	Dec 16
Hours light	11.58	10.92	10.27	9.75	9.37	9.17

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Sunlight Analysis for
Alternate #1 Location

Belcher Property

39.4 Latitude

4315 NORTHCLIFF ROAD
BALTIMORE COUNTY, MARYLAND

Date: 8/15/2012
Proj. #: 12017
Scale: 1" = 30'

Exhibit 8

DESIGN: JGT | DRAWN: MAS | CHKED: JLS

0' 20' 40' 60'