

IN RE: PETITION FOR VARIANCE

(9008 Dogwood Road)

2nd Election District

4th Council District

Paul N. Ervin

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0275-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §400.1 to permit an existing detached accessory structure (storage shed) to be located in the front and side yards of the principal dwelling in lieu of the required rear yard. A site plan was marked as Petitioner's Exhibit 1.

Owner Paul N. Ervin appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP). That agency did not oppose the request.

This matter is currently the subject of a violation case (Case No. CB1400145) before the Office of Administrative Hearings, and a copy of the code enforcement complaint was included in the zoning hearing file. A correction notice was issued to Petitioner for undertaking construction activity without proper permits. Petitioner were instructed to seek zoning relief.

The subject property is approximately 1.87 acres and is zoned RC 2. The property is improved with a single family dwelling and several outbuildings. One of the existing accessory

ORDER RECEIVED FOR FILING

Date

7/24/15

By

Ben

structures (24' x 12' shed) is located in the front and side yards, and therefore Petitioner seeks variance relief to legitimize the existing conditions.

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).

Petitioner has met this test. The property is irregularly shaped and has a significant slope through the site. As such it is unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given he would be required to raze the existing accessory building. 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.

On the morning of the hearing, an e-mail was received in the Office of Administrative Hearings (OAH) from Jackie Webster, a resident of Dogwood Road. Ms. Webster indicated she was unable to attend the hearing but had "concerns" about the variance request. Ms. Webster stated that 9008 Dogwood Road is a rental property, although Mr. Ervin testified he lives in the home and state tax records confirm it is his principal residence. She indicated that if the request was granted, landscaping should be required "to block the view of the shed," and such a condition is in fact included in the Order below.

THEREFORE, IT IS ORDERED, this 24th day of July, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §400.1 to permit an existing detached accessory structure (storage shed) to be located in the front and side yards of the principal dwelling in lieu of the required rear yard, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

7/24/15

By

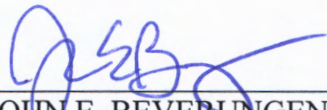
sln

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide a vegetative buffer around the shed to screen the view from Dogwood Road. The location of and materials used for the vegetative screening shall be determined in the sole discretion of the Baltimore County Landscape Architect.

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

JEB: sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 7/24/15
By sln



PETITION FOR ZONING HEARING(S)

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 9008 DOBWOOD RD which is presently zoned RC-2
Deed References: 17377/00627 10 Digit Tax Account # 2400002563
Property Owner(s) Printed Name(s) PAUL N ERVIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s) 400.1 - to permit an existing detached accessory structure (storage shed) to be located on the front and side yards of the principal dwelling in lieu of the required rear yard of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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 Paul N Ervin

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

PAUL N ERVIN

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Paul N Ervin

Signature #2

9008 DOBWOOD RD WINDSORMILL MD

Mailing Address City State

21244 410 977 595 PTRUCK 4020 9 HOTMAIL

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2015-0275-A Filing Date 6/1/15

Do Not Schedule Dates

Reviewer BJ

May 28, 2015

ZONING PROPERTY DESCRIPTION

For 9008 Dogwood Road

Windsor Mill, MD. 21244

on the north side of

Beginning at a point in Dogwood Rd. which is an ultimate 60 feet wide right of way at the distance of 308+ or - feet west of the centerline of Wrights Mill Rd.. Thence the following courses and distances:

1st Point Of Call - North 09 degrees 43 minutes 39 seconds East for a distance of 131.48 feet,

2nd Point Of Call - North 36 degrees 58 minutes 00 seconds East for a distance of 64.16 feet,

3rd Point Of Call - North 87 degrees 48 minutes 42 seconds East for a distance of 117.02 feet,

4th Point Of Call - North 37 degrees 40 minutes 07 seconds East for a distance of 167.55 feet,

5th Point Of Call - South 71 degrees 17 minutes 40 seconds East for a distance of 142.46 feet,

6th Point Of Call - South 32 degrees 11 minutes 25 seconds West for a distance of 432.76 feet to a point in Dogwood Rd.,

7th Point Of Call - running in Dogwood Rd. North 59 degrees 03 minutes 35 seconds West for a distance of 123.75 feet,

8th Point Of Call - North 68 degrees 49 minutes 42 seconds West for a distance of 84.04 feet to the place of beginning as recorded in Deed Liber 0017377, Folio 627 containing 1.87 acres.

4th

Located in the 2nd Election District and the 4th Council District.

Also known as Lot 1 in the minor subdivision of Ervin Property, minor subdivision # 99-127-M, as maintained by the Development Management Division of the Departments of Permits, Approvals and Inspections.

Item # 0275

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

No. **125487**

Date: **6/1/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/02/2015 6/01/2015 10:25:39 5

REC W505 WALKIN RBOS LRB
> RECEIPT # 777778 6/01/2015 OPEN
Net 5 528 ZONING VERIFICATION
CR NO. 125487

Recpt Tot 975.00
975.00 CK 1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				875.00

Total: **875.00**

Rec From:

For:

zoning hearing - case # 2015-0275-A

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3373677

Sold To:

Paul Ervin - CU00452291
9008 Dogwood Rd
Windsor Mill, MD 21244-1008

Bill To:

Paul Ervin - CU00452291
9008 Dogwood Rd
Windsor Mill, MD 21244-1008

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jul 02, 2015

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2015-0275-A

9008 Dogwood Road
N/s Dogwood Road, 308 ft. +/- w/of centerline Wrights Mill Road

2nd Election District - 4th Councilmanic District

Legal Owner(s) Paul Ervin

Variance: to permit an existing detached accessory structure (storage shed) to be located on the front and side yards of the principal dwelling in lieu of the required rear yard.

Hearing: Thursday, July 23, 2015 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.

7/005 July 2

3373677

ZONING NOTICE

CASE NO. 2015-0275-A

9008 Dogwood Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday July 23, 2015 10:00 AM

REQUEST:

VARIANCE TO PERMIT AN EXISTING DETACHED ACCESSORY
STRUCTURE (STORAGE SHED) TO BE LOCATED IN THE FRONT AND
SIDE YARDS OF THE PRINCIPLE DWELLING IN LIEU OF THE REQUIRED
REAR YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-487-1391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

July 5, 2015

Re:

Zoning Case No. 2015-0275-A

Petitioner / Owner: Paul Ervin

Date of Hearing: July 23, 2015

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

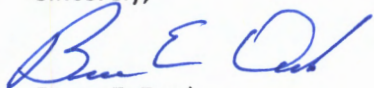
Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **9008 Dogwood Road**.

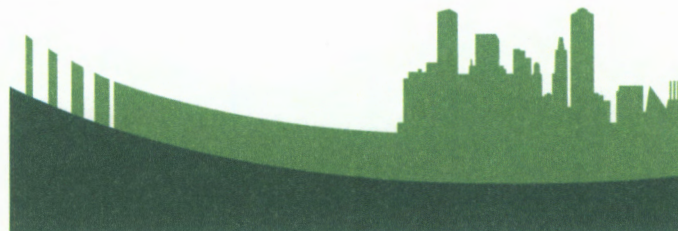
The signs were posted on **July 02, 2015**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor



KEVIN KAMENETZ
County Executive

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

June 10, 2015

NOTICE OF ZONING HEARING

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9008 Dogwood Road
N/s Dogwood Road, 308 ft. +/- w/of centerline Wrights Mill Road
2nd Election District – 4th Councilmanic District
Legal Owner: Paul Ervin

Variance to permit an existing detached accessory structure (storage shed) to be located on the front and side yards of the principal dwelling in lieu of the required rear yard.

Hearing: Thursday, July 23, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Paul Ervin, 9008 Dogwood Road, Windsor Mill 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 3, 2015.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 23, 2015 Issue - Jeffersonian

Please forward billing to:

Paul Ervin
9008 Dogwood Road
Windsor Mill, MD 21244

410-977-5195

NOTICE OF ZONING HEARING

The Administrative Law Judge 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:

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N/s Dogwood Road, 308 ft. +/- w/of centerline Wrights Mill Road
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
9008 Dogwood Road; N/S Dogwood Rd,
308' W of c/line Wrights Mill Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Paul N. Ervin
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2015-275-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUN 11 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of June, 2015, a copy of the foregoing Entry of Appearance was mailed to Paul Ervin, 9008 Dogwood Road, Windsor Mill, Maryland 21244, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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: 2015-0275-A

Petitioner: PAUL N ERVIN

Address or Location: 9008 DOGWOOD RD WINDBORN MILL MD 21244

PLEASE FORWARD ADVERTISING BILL TO:

Name: PAUL N ERVIN

Address: 9008 DOGWOOD RD
WINDBORN MILL MD 21244

Telephone Number: 410 977 5195

M E M O R A N D U M

DATE: August 25, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0275-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 24, 2015. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2015 0275-1

DATE July 23 2015

PETITIONERS

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

PAUL FOLIN

9008 Oakwood Rd

Wilson Mill and

Р-Трух 40209 НОТМЕ

CASE NAME 9008 Newwood Rd.
CASE NUMBER 2015-0275-A
DATE 7/23/15
EET

CASE NAME 9008 Newwood Rd.
CASE NUMBER 2015-0275-A
DATE 7/23/15
EET

[illegible]

7-23
10 AM

June Wisnom

From: Jackie Webster <daisyweb@msn.com>
Sent: Thursday, July 23, 2015 9:34 AM
To: June Wisnom
Subject: 9008 Dogwood Road variancr request

Case no. 2015-0275-A

Dear Judge,

As a resident living on Dogwood Road, I would like to express my concerns about this variance request.

I am unable to attend todays hearing but I do have concerns.

As for having a shed in the front yard, I'm not for that. There is property available to put a shed in the driveway in the corner of the property. Currently a business truck is parked in this corner and hardly ever leaves this spot. I suggest put the shed there. They have a backhoe and a boat also in their driveway. Plus acres of labd behind the house.

But if they get approved for the front yard, suggest that they be required to plant evergreen trees to block the view of the shed.

Also, 9008 is a rental property and the owner doesnt live there. He will never have to see the sheds once they are erected.

Thank you.

Jackie Webster

CASE NO. 2015- 0275-A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

6/17

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

n/c

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

6/30

PLANNING
(if not received, date e-mail sent _____)

no obj
w/ comment

6/10

STATE HIGHWAY ADMINISTRATION

no Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CB 1400145)

~~PRIOR ZONING~~

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

7/2/15

SIGN POSTING

Date:

7/2/15

by

DOCK

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w2)

Guide to search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent R		
Account Identifier:			District - 02 Account Number - 2400002563					
Owner Information								
Owner Name:			ERVIN PAUL N			Use:		RESIDENT
Mailing Address:			9008 DOGWOOD RD BALTIMORE MD 21244-			Principal Residence:		YES
						Deed Reference:		/17377/ 00
Location & Structure Information								
Premises Address:			9008 DOGWOOD RD BALTIMORE 21244-			Legal Description:		1.87 AC 9008 DOG 100FT NW RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessmen Year:
0086	0011	0240		0000			1	2013
Special Tax Areas:						Town:		N
						Ad Valorem:		
						Tax Class:		
Primary Structure Built			Above Grade Enclosed Area			Finished Basement Area		Property Land Area
1897			2,850 SF					1.8700 AC
Stories	Basement	Type	Exterior		Full/Half Bath		Garage	Last M
2	NO	STANDARD UNIT	FRAME		2 full			
Value Information								
			Base Value		Value		Phase-in Assessmen	
					As of		As of	
					01/01/2013		07/01/2014	
Land:			92,300		69,200			
Improvements			183,000		164,100			
Total:			275,300		233,300		233,300	
Preferential Land:			0					
Transfer Information								
Seller: ERVIN PAUL N					Date: 01/14/2003		Pr	
Type: NON-ARMS LENGTH OTHER					Deed1: /17377/ 00627		De	
Seller:					Date:		Pr	
Type:					Deed1:		De	
Seller:					Date:		Pr	
Type:					Deed1:		De	
Exemption Information								
Partial Exempt Assessments:			Class		07/01/2014		07/01/2015	
County:			000		0.00			
State:			000		0.00			
Municipal:			000		0.00 0.00		0.00 0.00	

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)District: **02** Account Number: **2400002563**

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

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

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)

☒ Loading... Please Wait. Loading... Please Wait.

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BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE:

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

2015-0275-A

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.:
Legal Owner/Petitioner: Paul N. Ervin
Contract Purchaser:
Property Address: 9008 Dwywind Rd
Location Description:

VIIOLATION INFORMATION: Case No. CB1400145
Defendants:

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

NAME

ADDRESS

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

- | | | |
|-------------------------------------|-----|---|
| ☐ | 1. | Complaint letter/memo/email/fax (if applicable) |
| ☒ | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☐ | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☒ | 8. | Photographs including dates taken |
| ☒ | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/

C: Code Enforcement Officer



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1400145

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1400145	James Garland		04/07/2014	Inspection Scheduled		

Complaint Description: A free standing shack is now sitting on irregular cinderblocks several feet above the ground. It appears to be unstable at that height. Something doesn't look right.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
9008 DOGWOOD RD WINDSOR MILL, MD 21244 Tax Id: 2400002563	ERVIN PAUL N 9008 DOGWOOD RD BALTIMORE, MD 21244	

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
James Garland		Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail - No Comments

02/12- Initial inspection revealed 12x24 shed on side of SFD
02/13- correction notice posted on front door of house
04/20- MR Ervin left voicemail about permit
04/23- I left voicemail on MR Ervin's phone stating he must apply for a variance for his shed
and I will give him until 3/13/15 to file for variance
6/8/15- Recheck for hearing: ~~no permit~~ variance applied + no changes to shed
for

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB1400145 Property No. 2400002563 Zoning: _____

Name(s): Paul N Ervin

Address: 9008 Dogwood Rd
Windsor Mill, MD 21244

Violation Location: 9008 Dogwood Rd
Windsor Mill, MD 21244

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNT LAWS:

Baltimore County Code 2012 : 35-2-301 A person may not
erect, construct, repair, alter, remodel, remove or demolish a building
or structure in the county without obtaining a written permit
signed by the Building Engineer and paying the requisite fee for the
permit

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 2/27/15 DATE ISSUED: 2/13/15

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: [Signature] PRINT NAME: WALTER KOKIEN

STOP WORK NOTICE

PURSUANT TO INSPCTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE
CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953



Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

Citation Case No. CB1400145 Facility No. _____ Property No. 2400002563 Zoning: _____

Name(s): Paul N. Ervin

Address: 9008 Dogwood Rd
Windsor Mill, MD 21244

Violation Location: 9008 Dogwood Rd
Windsor Mill, MD 21244

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Code 2012:35-2301 A person may not erect,
construct, repair, alter, remodel, remove or demolish a building or
structure in the county without obtaining a written permit signed
by the Building Engineer and paying the requisite fee for the
permit

LE

Pursuant to the Baltimore County Code, as a result of the violation(s) cited herein a civil penalty has been assessed in the amount indicated.

\$ 2000.00

A quasi-judicial hearing has been pre-scheduled in the Jefferson Building, Room 205, 105 W. Chesapeake Avenue, Towson, MD 21204

DATE: 06/09/15 TIME: 9:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: WALTER K. KERN

Inspector Signature: [Signature]

Date: 05/11/15

COPIES: PINK-AGENCY, YELLOW-VIOLATION SITE, GOLD-DEFENDANT, WHITE-INSPECTOR



PETITION FOR ZONING HEARING(S)

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 9008 DOBWOOD RD which is presently zoned RC-2
Deed References: 17377/00627 10 Digit Tax Account # 2400002563
Property Owner(s) Printed Name(s) PAUL N ERVIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s) 400.1 - to permit an existing detached accessory structure (storage shed) to be located on the front and side yards of the principal dwelling in lieu of the required rear yard of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

Paul N Ervin

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

PAUL N ERVIN

Name #1 - Type or Print

Name #2 - Type or Print

Paul N Ervin

Signature #1

Signature #2

9008 DOBWOOD RD WINDSOR HILL MD

Mailing Address City State

21244 410 977 595 1 TRUCK 4020 9 HOPKINS

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2015-0275-A Filing Date 6/1/15

Do Not Schedule Dates: _____

Reviewer RJ





KEVIN KAMENETZ
County Executive

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

July 20, 2015

Paul N Ervin
9008 Dogwood Road
Windsor Mill MD 21244

RE: Case Number: 2015-0272 A, Address: 9008 Dogwood Road

Dear Mr. Ervin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 1, 2015. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 6/10/15

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

RE: Baltimore County
Item No 2015-0275-A

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above 2015-0275-4 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.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "David W. Peake".

for David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 17, 2015

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

SUBJECT: Zoning Advisory Committee Meeting
For June 15, 2015
Item No. 2015-0269, 0270, 0271, 0275, 0276, 0277, 0278, 0279, 0280,
0281, 0282 and 0283

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\ZAC06152015.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 30, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9008 Dogwood Road

INFORMATION:

Item Number: 15-275

Petitioner: Paul Ervin

Zoning: RC 2

Requested Action: Variance



SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variance to permit an existing detached accessory structure (shed) to be located in the front and side yards in lieu of the required rear yard.

The Department has no objection to the granting of the petitioned zoning relief conditioned upon the following:

Dogwood Road is a designated Baltimore County Scenic Road. In keeping with the Scenic Views development guidelines for Scenic Routes found in Division VI, Section A of the Comprehensive Manual of Development Policies, provide vegetative screening around those sides of the existing shed foundation that are visible from Dogwood Road.

In the event it is determined that zoning Special Hearing relief to amend the site plan approved in the previous zoning case no. 2002-0548-SPHXA is required, the Department maintains no objection to the plan amendment.

For further information concerning the matters stated herein, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief: Kathy Senikoff

AVA/KS

C: Wallace S. Lippincott, Jr.

Jeanette Tansey, RLA, Permits Inspections and Approvals

Case No.:

2015-0275-A

Exhibit Sheet

PJ
8-25-15

7/24/15

Sen

Petitioner/Developer

Protestants

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

EXHIBIT NO.

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

ADDRESS 9008 DOGWOOD RD. OWNER(S) NAME(S) PAUL N. ERVIN

SUBDIVISION NAME ERVIN PROPERTY LOT # 1 BLOCK # N/A SECTION # N/A

PLAT BOOK # MS FOLIO # N/A 10 DIGIT TAX # 2400002563 DEED REF. # 11377/00627

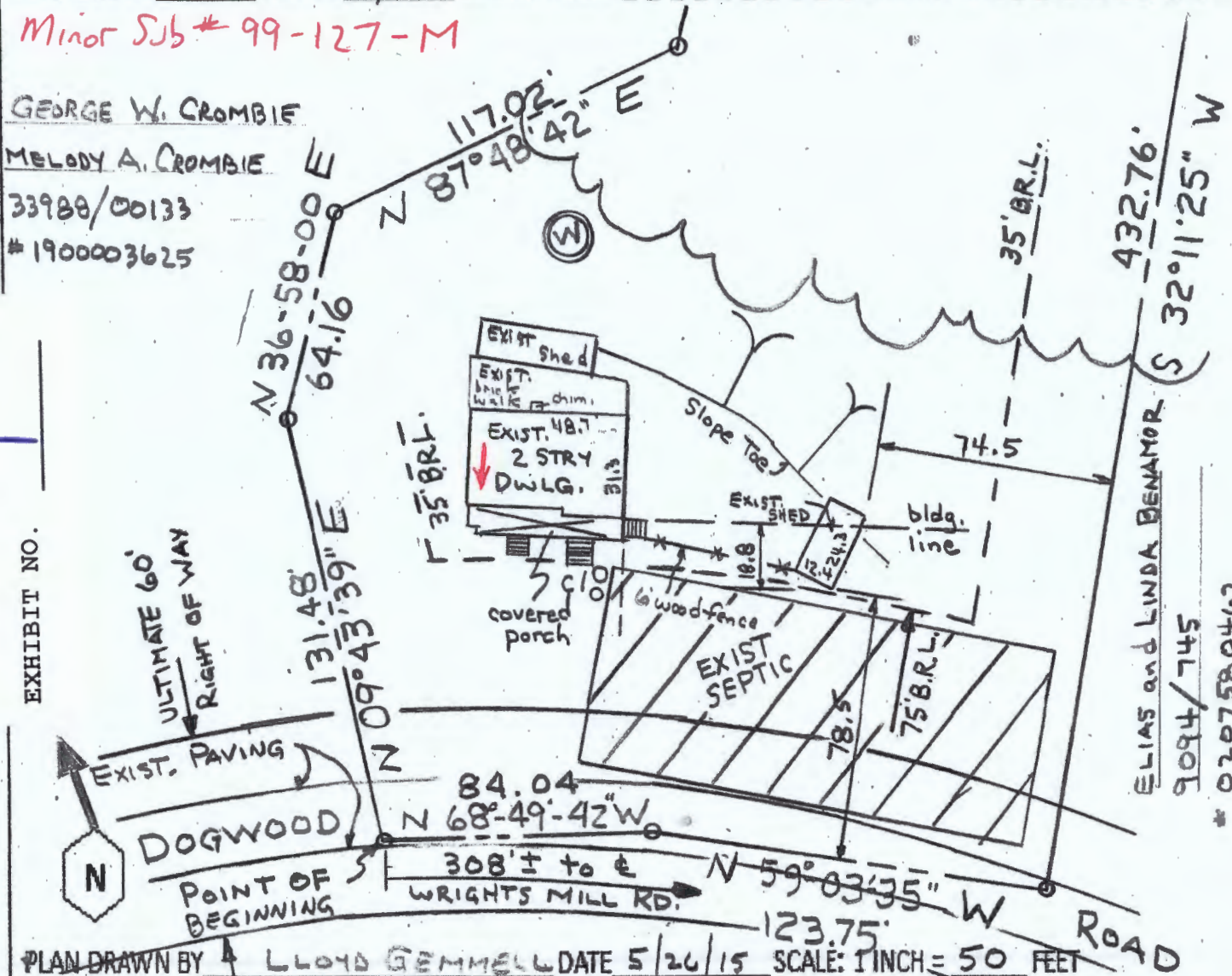
Minor Sub # 99-127-M

GEORGE W. CROMBIE

MELODY A. CROMBIE

33988/00133

#1900003625

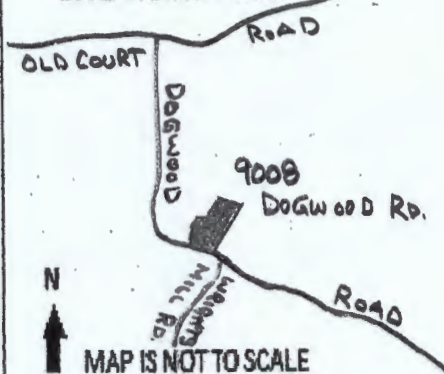


PLAN DRAWN BY LLOYD GEMMELL DATE 5/26/15 SCALE: 1 INCH = 50 FEET

410-489-7927

#2015-0275-A

SITE VICINITY MAP



ZONING MAP# 08602

SITE ZONED RC-2

ELECTION DISTRICT 2

COUNCIL DISTRICT 4

LOT AREA ACREAGE 1.87 AC

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 YES

IF SO GIVE CASE NUMBER

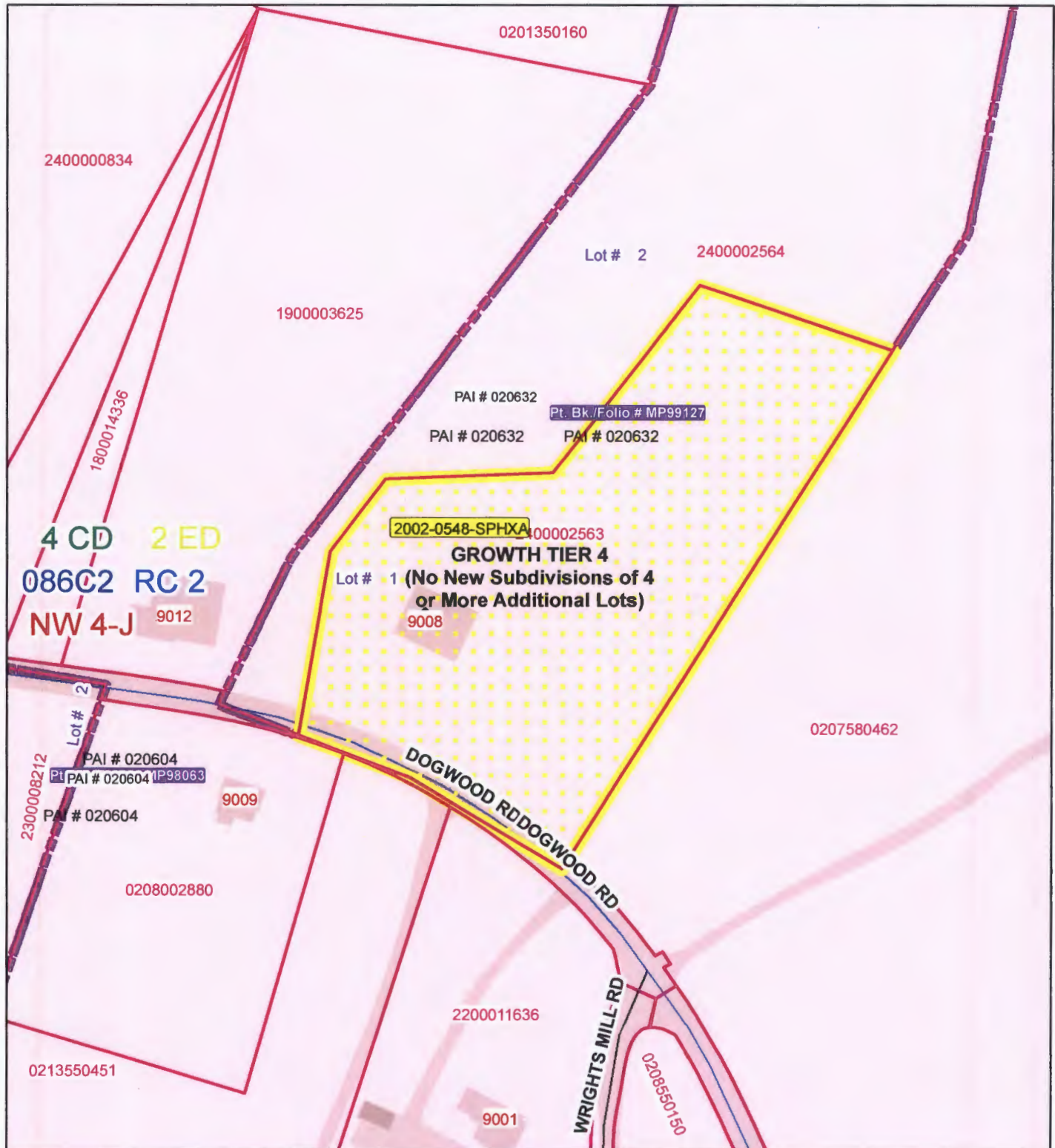
AND ORDER RESULT BELOW

2002-0548-SP4XA

VIOLETION CASE INFO:

CB 1400145

9008 Dogwood Road



Publication Date: 6/1/2015



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item # 0275

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

ADDRESS 9008 DOGWOOD RD. OWNER(S) NAME(S) PAUL N. ERVIN

SUBDIVISION NAME ERVIN PROPERTY LOT # 1 BLOCK # N/A SECTION # N/A

PLAT BOOK # MS FOLIO # N/A 10 DIGIT TAX # 2400002563 DEED REF. # 11317700627

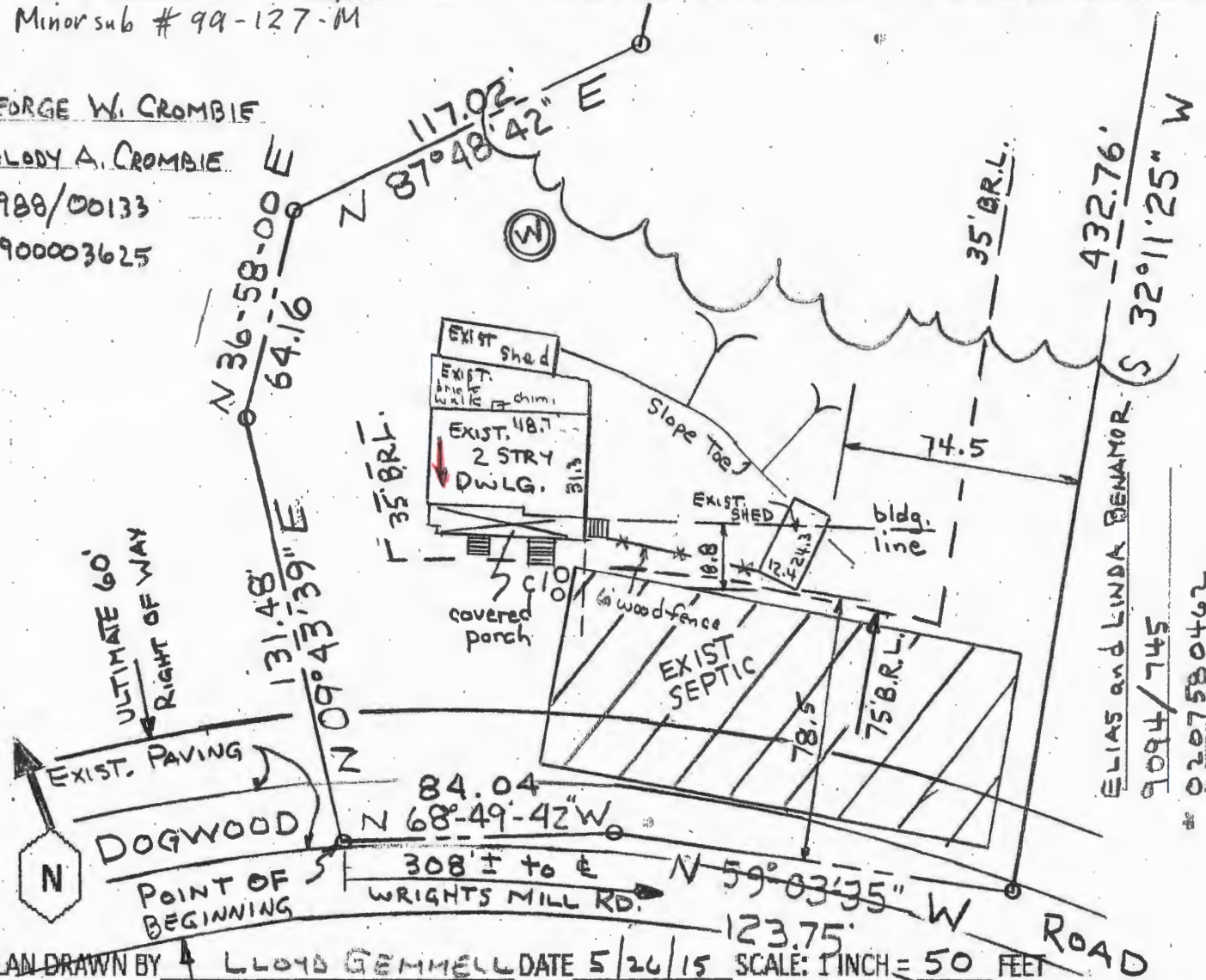
Minor sub # 99-127-M

GEORGE W. CROMBIE

MELODY A. CROMBIE

33988/00133

#1900003625

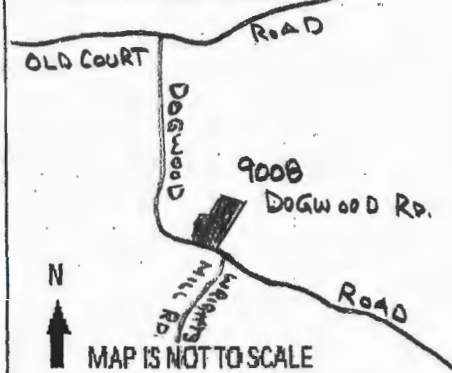


PLAN DRAWN BY LLOYD GEMMELL DATE 5/26/15 SCALE: 1 INCH = 50 FEET

410-489-7927

#2015-0275-A

SITE VICINITY MAP



ZONING MAP# 086C2

SITE ZONED RC-2

ELECTION DISTRICT 2

COUNCIL DISTRICT 4

LOT AREA ACREAGE 1.87 AC

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 YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2002-0548-SPHX A

VIOLATION CASE INFO:

CB1400145

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

ADDRESS 9008 DOGWOOD RD. OWNER(S) NAME(S) PAUL N. ERVIN

SUBDIVISION NAME ERVIN PROPERTY LOT # 1 BLOCK # N/A SECTION # N/A

PLAT BOOK # MS FOLIO # N/A 10 DIGIT TAX # 2400002563 DEED REF. # 11377/00627

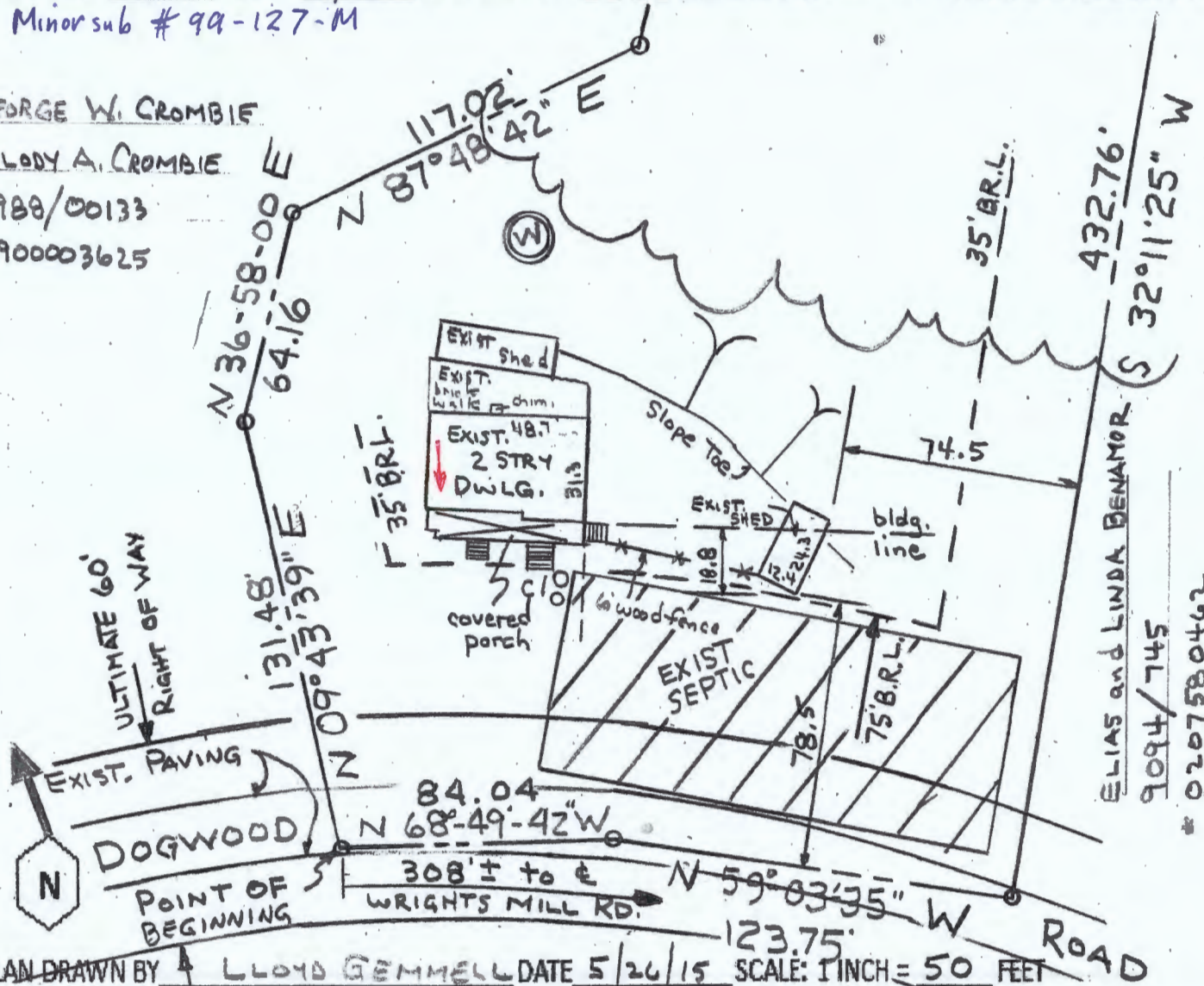
Minor sub # 99-127-M

GEORGE W. CROMBIE

MELODY A. CROMBIE

33988/00133

#1900003625

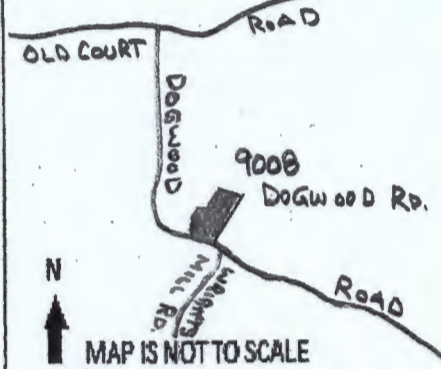


PLAN DRAWN BY LLOYD GEMMELL DATE 5/26/15 SCALE: 1 INCH = 50 FEET

410-489-7927

#2015-0275-A

SITE VICINITY MAP



ZONING MAP# 086C2

SITE ZONED RC-2

ELECTION DISTRICT 2

COUNCIL DISTRICT 4

LOT AREA ACREAGE 1.87 AC

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 YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2002-0548-SPHX A

VIOLATION CASE INFO:

CB 1400145

PLAT TO ACCOMPANY SPECIAL EXCEPTION, VARIANCE & NONCONFORMING USE

CONSERVATION EASEMENT 'B'
FOREST
1.4 ACRES

P-48
GLENN F. LETTER
THERESA ANN NOWINSKI LETTER
SS04/294
TX. NO. 0201350160

LOT 2
5.62 ACRES ±
244808.31 SQ. FT. ±

FOREST BUFFER
EASEMENT #3

FOREST BUFFER
EASEMENT #2

25'
WETLAND
BUFFER
EXISTING
POND

P-26
SANDY A. SHUMAN
LAUREL A. SHUMAN
9907/082
TX. NO. 1900003625

EXISTING
15' SPILL-
WAY
4.22'

20' WIDTH
4.82'

10' BALTIMORE COUNTY
ACCESS EASEMENT

EQUIPMENT AND PARKING AREA

ULTIMATE 60'
RIGHT OF WAY

USE-IN-COMMON
ACCESS EASEMENT

DOGWOOD ROAD

EXISTING PAVING

FOREST BUFFER
EASEMENT #1

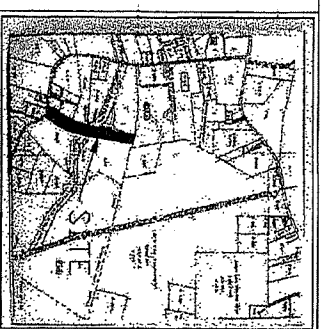
AREA EXISTING CONTINUED
USE 26,000 SQ. FT. ±

LANDSCAPE EQUIP. STORAGE
AND SERVICE AREA

25% SLOPE

P-197
ELIAS BENAMOR
LINDA BENAMOR
9096/755
TX. NO. 0207580462

PROPOSED LANDSCAPE SCREENING



VICINITY MAP
SCALE: 1"=600'

LOCATION INFORMATION

COUNCILMANIC DIST. 1
ELECTION DIST. 2
ZONING: RC-2
1"=200' SCALE MAP =
LOT SIZE: 1.87 ACRES

PUBLIC ☐ YES ☒ NO

SEWER ☐ YES ☒ NO

PUBLIC WATER ☐ YES ☒ NO

CHESAPEAKE BAY ☐ YES ☒ NO

CRITICAL AREA ☐ YES ☒ NO

SUBDIVISION NAME:
'ERVIN PROPERTY'

DEED REFERENCE:
9008 =
9010 =

OWNER: PAUL N. ERVIN
2696 WALSTON ROAD
MT. AIRY, MARYLAND 21771
(410) 922-4020

TAX NO.

DATE: APRIL 15, 2001
SCALE: 1"=50'

ZONING OFFICE USE ONLY

REVIEWED BY: ☐ ITEM # ☐ CASE # ☐

NOTE: AN AGREEMENT FOR ACCESS AND PARKING
BETWEEN LOT 1 AND LOT 15 IS TO BE EXECUTED
NON-CONFORMING USE FOR EXISTING LANDSCAPING COMPANY
SPECIAL EXCEPTION FOR LANDSCAPE AND HORTICULTURAL USE
VARIANCE FOR INTERNAL ROAD SETBACK



Pet #1

Pd 341

PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO. MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507

#9008 DOGWOOD ROAD
LOT 1 ERVIN PROPERTY
TAX MAP 86 GRID 11 PARCEL 240
BALTIMORE COUNTY MARYLAND
SCALE: 1" = 50' DATE MAY, 2002

Item # 0275