

MEMORANDUM

DATE: March 25, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0171-A- Appeal Period Expired

The appeal period for the above-referenced case expired on March 24, 2016. 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

IN RE: PETITION FOR ADMIN. VARIANCE *
(1008 Nicodemus Road)
4th Election District *
4th Council District *
Christopher R. and Katherine L. Nickoles *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0171-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Christopher R. and Katherine L. Nickoles ("Petitioners"). The Petitioners are requesting Variance relief from § 1A03.4.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling addition with a side yard setback of 12 ft. in lieu of the minimum required 25 ft. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies. However, it is to be noted that a letter of support was received from adjacent neighbors at 1010 Nicodemus Road (Lorraine and Howard Mencher), who have no objection to Petitioners' zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 31, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and

ORDER RECEIVED FOR FILING

should therefore be granted. In the opinion of the Administrative Law Judge, the information and

Date 2-23-16

By DW

photographs submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 23rd day of **February, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A03.4.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling addition with a side yard setback of 12 ft. in lieu of the minimum required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 2-23-16

By [Signature]



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 Hearings for Baltimore County for the property located at:

Address 1008 Nicodemus Road Reisterstown Currently zoned RC4
Deed Reference 26356 / 00035 10 Digit Tax Account # 0413 092100
Owner(s) Printed Name(s) Christopher R. Nickoles Katherine L. Nickoles

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 1A03.4 B2a, BC2R, to permit a proposed dwelling addition with a side yard set back of 12 feet in lieu of the minimum required 15 feet.

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

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Christopher R. Nickoles Katherine L. Nickoles
Name #1 - Type or Print Name #2 - Type or Print

Christopher R. Nickoles Katherine L. Nickoles
Signature #1 Signature #2

1008 Nicodemus Rd. Reisterstown MD
Mailing Address City State

21136 410.952.4609 KNICKOLSRNC
Zip Code Telephone # Email Address VERIZON.NET

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 2 day of February, 2016 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0171-A Filing Date 1/21/2016 Estimated Posting Date 1/31/2016 Reviewer JNP

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 and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1008 Nicodemus Road RESTERSDOWN MD 21136
Print or Type Address of property City State Zip Code

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

We are requesting a variance on the above property so that we may extend our current dwelling to incorporate a large master bedroom as well as a one car garage. We currently have two children who are sharing a bedroom and we wish to allow them to have their own rooms. The property variance would allow us to increase our living space and make the necessary modifications to our home to accommodate our family's growing needs. The one car garage would be a continuation to our driveway and allow us to secure and protect our vehicles and belongings. It will also serve to provide more storage space for our family. We hope that you will approve our variance request so that we may build our addition to add value to our home and our neighborhood. We are unable to propose an addition to the rear of the home due to the location of the septic system.

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

Christopher L. Nickoles
Signature of Owner (Affiant)

Christopher R. Nickoles
Name- Print or Type

Katherine L. Nickoles
Signature of Owner (Affiant)

Katherine L. Nickoles
Name- Print or Type

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

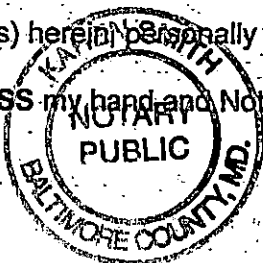
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of January, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Christopher R. Nickoles & Katherine L. Nickoles

the Affiant(s) herein personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal



Karen D. Smith
Notary Public

12/8/2018
My Commission Expires

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 and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1008 NICODEMUS ROAD REISTERSTOWN MD 21136
Print or Type Address of property City State Zip Code

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

We are requesting a variance on the above property so that we may extend our current dwelling to incorporate a large master bedroom as well as a one car garage. We currently have two children who are sharing a bedroom and we wish to allow them to have their own rooms. The property variance would allow us to increase our living space and make necessary modifications to our home to accommodate our family's growing needs. The one car garage would be a continuation to our driveway and allow us to secure and protect our vehicles and belongings. It will also serve to provide more storage space for our family. We hope that you will approve our variance request so that we may build our addition to add value to our home and our neighborhood. We are unable to propose an addition to the rear of the home due to the location of the septic system.

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

Christopher R. Nickoles
Signature of Owner (Affiant)

Christopher R. Nickoles
Name- Print or Type

Katherine L. Nickoles
Signature of Owner (Affiant)

Katherine L. Nickoles
Name- Print or Type

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

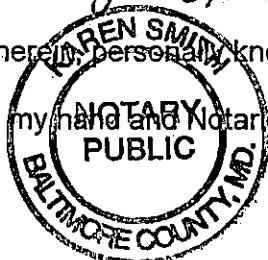
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of January, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Christopher R. Nickoles & Katherine L. Nickoles

the Affiant(s) herein personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal



Karen Smith
Notary Public

12/8/2018
My Commission Expires



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 Hearings for Baltimore County for the property located at:

Address 1008 Nicodemus Road Reisterstown Currently zoned RC4
Deed Reference 26356 100035 10 Digit Tax Account # 0413092100
Owner(s) Printed Name(s) Christopher R. Nickoles Katherine L. Nickoles

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 1A03.4B2a, BC2R, to permit a proposed dwelling addition with a side yard set back of 12 feet in lieu of the minimum required 25 feet.

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

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Christopher R. Nickoles Katherine L. Nickoles
Name #1 - Type or Print Name #2 - Type or Print
Christopher R. Nickoles Katherine L. Nickoles
Signature #1 Signature #2

1008 Nicodemus Rd Reisterstown MD
Mailing Address City State

21136 410-952-4609 KNICKOLES@RC
Zip Code Telephone # Email Address VERIZON.NET

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 2-23-16 day of February, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0171-A Filing Date 1/21/2016 Estimated Posting Date 1/31/2016 Reviewer JNP

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

(410) 239-7744

Zoning Description

(410) 374-9695

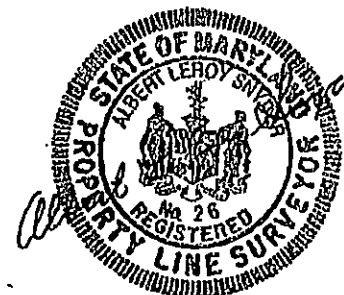
November 5, 1996

Beginning in or near the center of Nicodemus Road
approximately 1410 feet west of the center of
Berrymans Lane and running the following courses
and distances,

- 1.) N 42° 28' E 300.00 feet,
- 2.) S 47° 32' E 33.03 feet,
- 3.) S 11° 57' W 328.57 feet,
- 4.) S 11° 57' W 15.00 feet,
- 5.) N 53° 41' W 37.60 feet,
- 6.) N 47° 32' W 170.00 feet to the place of beginning.

Containing 0.8 Acres of land, more or less.

Being the same land which was conveyed by Dolores M. Heckman, Gerald H. Myers,
Wayne D. Heckman and Scott L. Morris to Gerald H. Myers and Annabelle L. Myers
his wife, by deed dated July 6, 1984 and recorded among the Land Records of
Baltimore County, Maryland in Liber E.H.K., Jr. 6773 folio 226 etc. Also
being known as #1008 Nicodemus Road and being located in the Fourth Election
District.



CERTIFICATE OF POSTING

CASE NO: 2016-0171-A

PETITIONER/DEVELOPER

CHRISTOPHER & KATHERINE

NICOLLES

DATE OF HEARING/CLOSING:

2/15/16

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

ATTENTION:

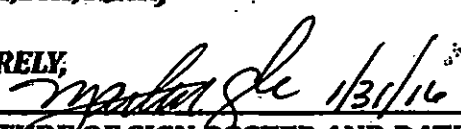
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT** _____

1008 NICODEMUS ROAD

THIS SIGN(S) WERE POSTED ON January 31, 2016
(MONTH, DAY, YEAR)

SINCERELY,

 1/31/16
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 2016-0171-A

TO PERMIT A PROPOSED DWELLING ADDITION WITH
A SIDE YARD SETBACK OF 12 FEET IN LIEU OF THE MINIMUM
REQUIRED 25 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 28-127(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 ~~WEDNESDAY~~ **FRIDAY, FEBRUARY 19, 2016**
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST IMMEDIATELY AFTER MEETING DATE. VIOLATION PENALTY OF LAW.

MEETING IS HANDICAP ACCESSIBLE

malin 1/31/16

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0171 -A Address 1008 Nicodemus Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/21/2016 Posting Date: 1/31/2016 Closing Date: 2/15/2016

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

- 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.
- 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.
- 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.
- 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 2016- 0171 -A Address 1008 Nicodemus Road

Petitioner's Name Christopher & Katherine Nickales Telephone 410-952-4609

Posting Date: 1/31/2016 Closing Date: 2/15/2016

Wording for Sign: To Permit a proposed dwelling addition with a side yard setback of 12 feet in lieu of the minimum required 25 feet

Revised 7/21/15

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

No. **134146**

Date: **1/21/2016**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
030	206	0000		6/50					75.00

Total: **75.00**

Rec From: **Christopher & Katherine Nickoles**

For: **Alma Varnier - 1008 W. Lombard Road**
2016-0171-4 (Nickoles)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

February 17, 2016

Christopher R. & Katherine L. Nickoles
1008 Nicodemus Road
Reisterstown MD 21136

RE: Case Number: 2016-0171.A, Address: 1008 Nicodemus Road

Dear Mr. & Ms. Nickoles:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 21, 2016. 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, reading "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 1/27/16

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

RE: Baltimore County
Item No. 2016-0171-A -
Administrative Variance
Christopher R. & Katherine L. Nicholas
1008 Nicodemus 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. 2016-0171-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read 'David W. Peake', is written over a horizontal line.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 1, 2016
Item No. 2016-0165, 0166, 0167, 0168, 0169 and 0171

DATE: February 4, 2016

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\ZAC02012016.doc

(AV) 2-15-16

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

FEB 04 2016

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 4, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0171-A
Address 1008 Nicodemus Road
(Nickoles Property)

Zoning Advisory Committee Meeting of February 1, 2016.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 02-04-2016

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>2-4</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO</u>
<u>2-4</u>	DEPS (if not received, date e-mail sent _____)	<u>NO</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>1-27</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
<u>1-20</u>	ADJACENT PROPERTY OWNERS <u>4 member</u> <u>1010 Nicodemus Rd.</u>	<u>5</u>
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>97-213-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>1-31-15</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 0413092100			
Owner Information					
Owner Name:	NICKOLES CHRISTOPHER R NICKOLES KATHERINE L		Use:	RESIDENTIAL	
Mailing Address:	1008 NICODEMUS RD REISTERSTOWN MD 21136-5820		Principal Residence:	YES	
			Deed Reference:	/26356/ 00035	
Location & Structure Information					
Premises Address:		1008 NICODEMUS RD 0-0000		Legal Description:	.7 AC 1008 NICODEMUS RD 300 W BERRYMAN LN
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0057	0003	0020		0000	
					Assessment Year: 2016
					Plat No: Plat Ref:
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1997	1,064 SF		30,492 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	SIDING	1 full	
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	89,100	89,100			
Improvements	99,600	97,800			
Total:	188,700	186,900	188,700	186,900	
Preferential Land:	0			0	
Transfer Information					
Seller: LAKE MICHAEL M		Date: 11/06/2007		Price: \$268,500	
Type: ARMS LENGTH IMPROVED		Deed1: /26356/ 00035		Deed2:	
Seller: MYERS GERALD H		Date: 05/18/2003		Price: \$165,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /18019/ 00233		Deed2:	
Seller: HECKMAN DOLORES M MYERS GERALD H		Date: 08/29/1984		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06773/ 00226		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

IN RE: PETITION FOR VARIANCE
NW/S Nicodemus Road, 1410' W of
the c/l of Berrymans Lane
(1008 Nicodemus Road)
4th Election District
3rd Councilmanic District

Gerald H. Myers, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-213-A
*

PRIOR CASE

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1008 Nicodemus Road, located in the vicinity of Berrymans Lane in Reisterstown. The Petition was filed by the owners of the property, Gerald H. and Annabelle L. Myers. The Petitioners seek relief from Sections 1A03.4.B.1.a and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an undersized lot of 36,333 sq.ft. in an R.C.4 zone for a dwelling reconstruction. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Gerald and Annabelle Myers, property owners, and A. L. (Roy) Snyder, Registered Property Line Surveyor who prepared the site plan for this property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.8 acres, more or less, zoned R.C.4, and is improved with a one and one-half story frame dwelling and accessory shed. Mr. Myers testified that he and his wife have lived on the adjoining property since 1968. He testified that his parents lived on the subject property from 1947 until 1982 when his mother passed away. Mr. Myers then acquired the

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Date 12/25/86

By [Signature]

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property from his father and he and his wife have owned the property since that time. The Petitioners' daughter, who is disabled, has been living in the home for the past 8 years and would like to remain living in the home for as long as she can. However, the house has become deteriorated to the point that it is beyond renovation. The Petitioners wish to raze the existing structure and construct a new home for their daughter, utilizing the same footprint. The Petitioners submitted elevation drawings for purposes of compatibility to the Office of Planning who have recommended approval of the proposed dwelling. No one appeared in opposition to the request and the Petitioners presented two letters of support from adjacent property owners. Because the property does not meet the size requirements for a buildable lot in the R.C.4 zone, the relief requested is necessary in order to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

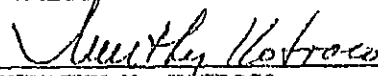
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After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of December, 1996, that the Petition for Variance seeking relief from Sections 1A03.4.B.1.a and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an undersized lot of 36,333 sq.ft. in an R.C.4 zone for a dwelling reconstruction, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The 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, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

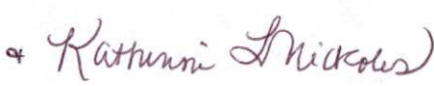
ORDER RECEIVED FOR FILING
Date 12/30/96
By [Signature]

January 20, 2016

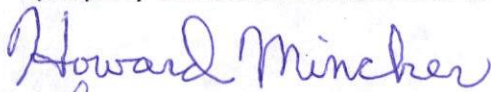
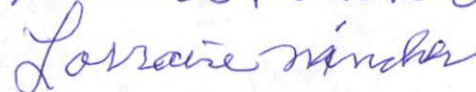
To Whom It May Concern:

We are requesting a variance to extend our current dwelling/living space at 1008 Nicodemus Road. The extension will extend the left side of our home towards the property line that adjoins 1008 and 1010 Nicodemus Road. We have spoken with the homeowners at 1010 Nicodemus Road, Lorraine and Howard Mencher, about the expansion. They have agreed to sign this letter stating that they are in agreement with and have no issues with us expanding our dwelling closer to the property line that adjoins our two properties.

Sincerely,

 & 
Christopher and Katherine Nickoles

(Property Owners 1008 Nicodemus Road)

Lorraine and Howard Mencher

(Property Owners 1010 Nicodemus Road)

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 0413056250			
Owner Information					
Owner Name:	MINCHER LORRAINE G		Use:	RESIDENTIAL	
Mailing Address:	1010 NICODEMUS RD REISTERSTOWN MD 21136-5820		Principal Residence:	YES	
			Deed Reference:	/30513/ 00066	
Location & Structure Information					
Premises Address:		1010 NICODEMUS RD 0-0000		Legal Description:	.7 AC NES NICODEMUS ADJ HW FALLOWFIEL
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0057	0003	0019		0000	
					Block:
					Lot:
					Assessment Year:
					2016
					Plat No:
					Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1956	1,216 SF				30,492 SF
					County Use
					04
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage
1 1/2	NO	STANDARD UNIT		1 full	
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		89,100	89,100		
Improvements		66,700	65,200		
Total:		155,800	154,300	155,800	154,300
Preferential Land:		0			0
Transfer Information					
Seller: MINCHER EDWARD J,JR		Date: 07/17/2002		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /30513/ 00066		Deed2:	
Seller: MINCHER EDWARD J,JR		Date: 05/27/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12885/ 00725		Deed2:	
Seller: COVINGTON ELLWOOD		Date: 08/07/1959		Price: \$13,500	
Type: ARMS LENGTH IMPROVED		Deed1: /03573/ 00535		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	HOMEOWNERS TAX CREDIT				
Homestead Application Information					
Homestead Application Status: Approved 03/05/2014					



Lot # 107 0

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1008 Nicodemus Road OWNER(S) NAME(S) Christopher and Katherine Nickoles
 SUBDIVISION NAME _____ LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0413092100 DEED REF. # 2635610035

SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP# 057B1

SITE ZONED RC4

ELECTION DISTRICT 4th

COUNCIL DISTRICT 4th

LOT AREA ACREAGE .7 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? yes

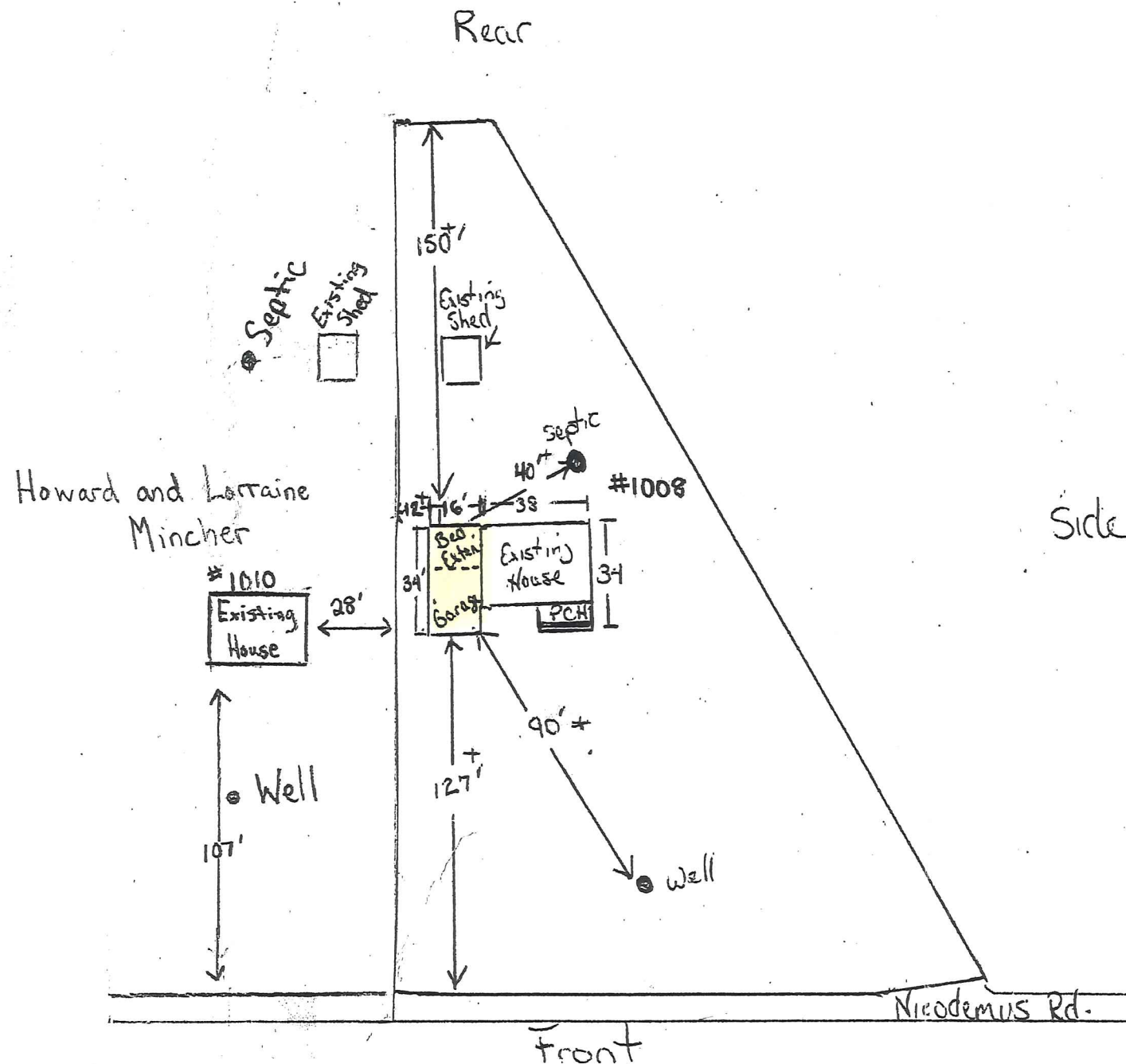
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

1997-0213-A

VIOLATION CASE INFO:

N/A



PLAN DRAWN BY Chris Nickoles DATE 1/19/16 SCALE: 1 INCH = 50 FEET

Pet. Exh. 1

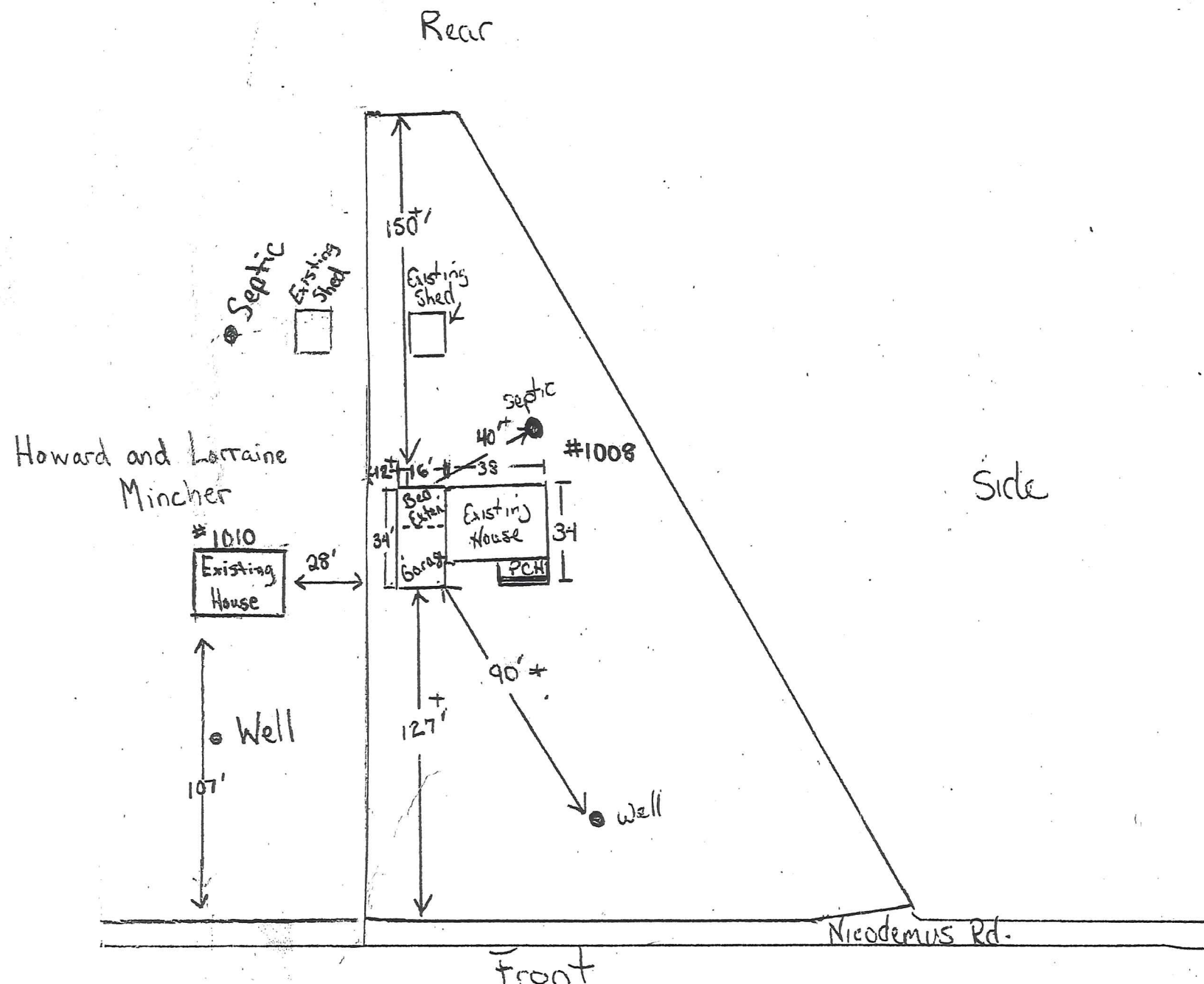
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 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0413092100 DEED REF. # 26356/0035

SITE VICINITY MAP

N
 MAP IS NOT TO SCALE
 ZONING MAP# 057B1
 SITE ZONED RC4
 ELECTION DISTRICT 4th
 COUNCIL DISTRICT 4th
 LOT AREA ACREAGE .7 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? yes
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
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