

12/4/17

IN THE MATTER OF
JAMES AND CAROL ANN MCBRIDE - LEGAL
OWNERS AND PETITIONERS FOR
VARIANCE ON THE PROPERTY
LOCATED AT 2909 RITCHIE AVENUE

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 17-270-A

* * * * *

OPINION

This matter comes before the Board as a *de novo* appeal from an opinion dated June 14, 2017, by Administrative Law Judge John E. Beverungen, granting a two part variance request. In that matter, as now before the Board of Appeals (CBA), the Petitioners are requesting variance relief from Baltimore County Zoning Regulations (BCZR), Section 1B02.3C.1. The Petitioners want to build a one story addition. Section 1B02.3C.1 requires that there be a side yard setback of 10' and a rear setback of 30'. The request is to permit a 5' side setback for the addition, and a 10' rear setback to accommodate a garage which was present when the Petitioners purchased the property in 2016.

There are two sets of legal principles that are operative. The first is traditional Baltimore County zoning law regarding variances as set forth in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The second is the American with Disabilities Act ("ADA"), 42 U.S.C. § 12101 *et seq.*, the Fair Housing Amendments Act (FHAA) 42 U.S.C. § 3610, *et seq.*, and the Maryland Discrimination in Housing Act, Ann. Code of Md., State Gov't. Art., § 20-701 through 20-710, all of which require that a local jurisdiction's policies and procedures, including zoning requirements, must make reasonable accommodation for persons with disabilities.

The McBrides have three foster sons who have been with them for over two decades.

Each son is disabled within the meaning of the ADA. In particular, the evidence established that their son Nicholas, who has lived with the McBrides for approximately 30 years, suffers from a degenerative neurological and seizure disorder as well as significant cognitive impairments. His condition began to worsen shortly after the McBrides moved into their Ritchie Avenue home. He can no longer take care of his most minimal daily needs. He needs assistance with such basic tasks as dressing, eating, brushing his teeth, using the toilet, and washing his face. He does not speak. He is confined to a wheelchair, and his condition will not improve. The evidence established that the house is not presently suited for Nicholas' care. There is not a large enough bathroom on the first floor to handle his wheelchair. The addition would include a new bathroom able to be used by Nicholas as well an associated bedroom for Nicholas himself. Importantly, the addition would also provide increased storage space for the substantial medical supplies which Nicholas requires. These supplies were described in detail at the CBA hearing and are outlined in Petitioners' Counsel's Memorandum submitted as part of the Petition. Mrs. McBride testified that without the side yard addition, it will be impossible to care for Nicholas in the home, and he will have to be institutionalized. This testimony was corroborated by Nicholas' service coordinator from the Kennedy Krieger Institute. The CBA accepts this conclusion without question.

The garage that was built 10' from the rear lot boundary in violation of the 30' setback requirement was constructed before the McBrides purchased the house. The garage and covered walkway to the house provide a much needed sheltered and level area that permits Nicholas to come from the garage to the house by wheelchair.

The Protestants, Carolyn and Joseph Ducar, live next door to the McBrides. They

believe that the addition can be added to the house without requiring a variance. They have submitted a schematic which purports to show an addition with the same square footage but without necessitating the variance. The McBrides' builder testified that while it was not impossible to shift the orientation of the addition as suggested by the Ducars, such a shift would be substantially more expensive, require extensive plumbing changes, and would make the roofline quite architecturally complicated. We accept the testimony that the alternative suggested by the Ducars is not a practical alternative. Additionally, we saw aerial photographs which showed many houses throughout the neighborhood and larger area surrounding encroaching on the side yard setback and many garages and sheds placed within the 30' setback. The Ducars do not contest the rear variance.

Under *Cromwell*, there is a two-step process to determine if a variance is warranted. First, the petitioner must demonstrate that the property is unique in relation to the surrounding properties and this uniqueness is what necessitates variance relief. Secondly, the petitioner must show that without the requested relief, the petitioner will experience a practical hardship not of his/her own making. 102 Md. App. at p. 694-95. In this instance, the *Cromwell* standard is influenced by the ADA and its associated federal and state statutes cited above. In other words, in making a zoning decision, local zoning authorities must interpret the zoning principles to also reasonably accommodate a person with disabilities. See e.g. *A Helping Hand, LLC v. Baltimore County*, 515 F.3d 356, 361 (4th Cir. (Md.) 2008); *Smith-Berch, Inc. v. Baltimore County*, 68 F.Supp.2d 602, 618 (D.Md. 1999) (both holding that the ADA applies to zoning practices). See also Ann. Code of Md., State Govt Art. § 20-706(b)(4) (indicating that under Maryland law, the disabled are entitled to "... reasonable accommodations in rules, policies,

In the matter of: James and Carol Ann McBride
Case No: 17-270-A

practices, or services when the accommodations may be necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling".)

In this case, the lot is somewhat unusual in that it is four lots with only one structure whereas most of the other lots in the subdivision are on two or three individual lots. Also, without the addition as proposed by the McBrides, they will incur significant practical hardship, making care for their foster son all but impossible. The situation is not of their own making in that Nicholas' condition began to deteriorate after they purchased the house. Accordingly, we find that the *Cromwell* standards are satisfied.

If there is any doubt about the traditional variance requirements having been met, those doubts are addressed in their entirety by the proven need to care for Nicholas. It is difficult to deny that his maintenance requires extraordinary efforts, and those efforts are substantially and reasonably accommodated by granting the variance as proposed by the McBrides. Accordingly, to the extent that the *Cromwell* standards are viewed as having been relaxed, and we do not suggest that they have, it is because of the requirements of the ADA, the FHAA, and Maryland's Discrimination in Housing Act.

CONCLUSION

For these reasons, we are granting the two variance requests as submitted by the Petitioners.

ORDER

THEREFORE, IT IS THIS 4th day of December, 2017 by the
Board of Appeals of Baltimore County

ORDERED, that the Variance to permit a side yard setback of 5' in lieu of the required
10' for a one story addition to the existing dwelling at the subject property is **GRANTED**; and

IT IS FURTHER ORDERED that the variance to grant a 10' rear yard setback in lieu of
the required 30' setback for the existing garage at the subject property is **GRANTED**.

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*.

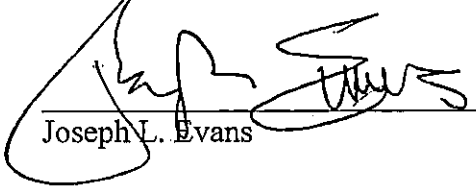
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Chairman



Kendra Randall Jólivet



Joseph L. Evans



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

December 4, 2017

Kira Wilpone-Welborn, Esquire
Disability Rights Maryland
1500 Union Avenue, Suite 2000
Baltimore, Maryland 21211

Joseph and Carolyn Ducar
2907 Ritchie Avenue
Baltimore, Maryland 21219

RE: In the Matter of: *James and Carol Ann McBride*
Case No.: 17-270-A

Dear Messrs. Wilpone-Welborn and Ducar:

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,

A handwritten signature in cursive script that reads "Sunny Cannington" followed by a small "Hay" or "Hag" as a surname.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: James and Carol Ann McBride
Denise Ducar
Glenn Weimer
David Billingsley/Central Drafting & Design, Inc.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

between
6/14/17
&
12/4/17

IN THE MATTER OF
James and Carol Ann McBride
2909 Ritchie Avenue
Baltimore, MD 21219

Re: Petition for Variance pursuant to
BCZR § 1B02.3.C.1

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 17-270-A

* * * * *

Memorandum in Support of McBride Petition for Variance

This matter comes before the Board of Appeals on a petition for variance from Baltimore County Zoning Regulations (BCZR) § 1B02.3.C.1 to permit a side yard setback of five (5) feet and a rear yard setback of ten (10) feet to permit the construction of a one story addition to an existing dwelling, as well as approval of garage and covered walkway. Owners, James and Carol Ann McBride, petition the Board of Appeals for approval of a variance from BCZR § 1B02.3.C.1 as a reasonable accommodation pursuant to Maryland's Discrimination in Housing Statute, the Americans with Disability Act (ADA) and the Fair Housing Amendments Act (FHAA).

Facts

Owners, James and Carol Ann McBride, purchased the property in question located at 2909 Ritchie Avenue, Baltimore, MD 21219 on August 22, 2016. "Deed" attached hereto as Exhibit 3. The property at time of purchase consisted of four contiguous lots zoned as Density Residential 5.5 and contained a single-family dwelling. Pursuant to BCZR § 1B02.3.C.1, all residential structures zoned as D.R. 5.5 should be setback from the property line at least ten (10) feet from the side yard and thirty (30) feet from the rear property line. The property at time of purchase contained a detached garage located ten (10) feet from the rear property line.

Additionally, with approval of the variance requested, the single-family structure located on 2909 Ritchie Avenue will be setback from the side property line by five (5) feet. Petitioner's Exhibits from Initial Petition attached as Exhibits 1-6.

The McBride's purchased the property for their primary residence for their family that consists of themselves and their three foster sons, Nicholas, Troy, and Daroll. Nicholas, Troy, and Daroll are individuals with disabilities as defined under Maryland's Discrimination in Housing Statute, the Americans with Disabilities Act (ADA), and the Fair Housing Amendments Act (FHAA). Nicholas has been diagnosed with numerous conditions, including a degenerative neurological and seizure disorder, which impair his ability to move without assistance, and care for his daily needs. Nicholas is currently confined to a wheelchair, and needs substantial assistance in his daily activities. "Letter from Service Coordinator" attached as Exhibit 11.

The variance sought by the McBrides' is for an addition to the single-family structure at the property to create an accessible bathroom, additional closets necessary for the storage of medical supplies, and an additional bedroom. This addition is necessary for the ability of the McBrides, Nicholas and his foster brothers' to fully use and enjoy the home. The addition, as planned and petitioned for with this variance, would result in a five foot setback from the side yard of the property line. The adjacent lot's residential structure is approximately eight feet from the property line. As such, there would be a total of at least thirteen (13) feet between the two residential structures.

Additionally, the McBrides' sought a variance for a previously constructed garage located ten (10) feet from the rear property line. This garage is connected to the residential structure with a covered walkway. Currently, the garage and walkway are necessary to provide a covered wheelchair accessible path from the family van to the home. The front entrance of the

property contain several sets of steps that preclude a wheelchair accessible lift entrance for Nicholas. Additionally, during inclement weather, an uncovered path leading to the home can be dangerous. Due to Nicholas's disability, a covered pathway from the home to the family van is necessary to provide Nicholas with the opportunity to fully use the home, and to remain a participant within the community at large.

The McBrides presented this information to an Administrative Law Judge in a public hearing held on June 12, 2017. "Zoning Notice" attached here as Exhibits 9-10. Pursuant to the public hearing, ALJ John E. Beverungen determined that a variance should be granted to the McBrides from the ten foot and thirty foot setback requirements. Specifically, ALJ Beverungen determined that "the grant of variance relief is a 'reasonable accommodation' under [Title II of the ADA] to which the [McBrides] are entitled." The McBrides neighbors, the Ducars, have opposed the issuance of a variance only on the grounds that the property is not unique. The Ducars have not addressed the McBrides request for a reasonable accommodation within their appeal of ALJ Beverungen's grant of the variance.

Law

Baltimore County Zoning Regulations (BCZR) § 1B02.3.C.1 provides that properties zoned as Density Residential 5.5 should contain a side yard setback of 10 feet and a rear yard setback of 30 feet. However, when a zoning ordinance disproportionately impacts a property, BCZR § 307.1 grants the Zoning Commission and the Baltimore County Board of Appeals authority to issue variances to the zoning code, including variance from BCZR § 1B02.3.C.1.

Generally, in analyzing petitions for variances, the Court of Special Appeals of Maryland has instructed that zoning variances require a two-step analysis. Cromwell v. Ward, 102 Md. App. 691, 694-5 (1995). First, the Board must determine whether the property is "unique and

unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes that zoning provision to impact disproportionately upon that property.” Id. If the Board finds that the property is unique, then the Board must examine “whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property’s uniqueness, exists.” Id. However, when a resident of the home is a person with a disability, instead of the traditional two-step variance analysis described by the Court of Special Appeals in Cromwell, the Zoning Board of Appeals must provide reasonable accommodations to zoning restrictions for persons with disabilities as required by Maryland’s Discrimination in Housing Statute, the ADA, and the FHAA.

In enacting the ADA, Congress sought to prohibit the discrimination individuals with disabilities regularly encountered,

including outright intentional exclusion, *the discriminatory effects of architectural, transportation, and communication barriers*, overprotective rules and policies, *failure to make modifications to existing facilities and practices*, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities. 42 USCS § 1210.1 (emphasis added).

Specifically, Title II extends beyond intentional discrimination, to “policies and practices that are neutral on their face, but deny individuals with disabilities an effective opportunity to participate.” Smith-Berch, Inc. v. Baltimore County, 68 F. Supp. 2d 602, 620 (D. Md. 1999). In order to remedy the discrimination individuals with disabilities regularly encountered in obtaining and maintaining access to housing, Title II of the ADA and the FHAA made it a discriminatory practice to make housing, or government programs and services, unavailable to person with disabilities by refusing to grant reasonable accommodations to policies, practices,

and rules. 42 USC §§ 3604(f)(3)(B), 12132. Maryland's Discrimination in Housing Statute was modeled on Title II of the ADA and the FHAA, and provides identical protections to individuals with disabilities. MD. CODE ANN., STATE GOV'T § 20-706(b)(4). As such, "Title II[, the FHAA, and Maryland's Discrimination in Housing Statutes] imposes an affirmative obligation on the part of the public entity to make 'reasonable modifications'" in the administration of its services. Smith-Berch, Inc., at 621 (emphasis added).

When reviewing reasonable accommodation requests, a request can only be denied when the change in practices, policies, procedures, and rules would fundamentally alter the nature of programs and services, or presents an undue financial and administrative burden. 42 USC §§ 3604(f)(3)(B), 12132. Ultimately, the challenger to a requested reasonable accommodation bears the burden of proving the request accommodation is unreasonable. See Bd. of Dirs. of Cameron Grove Condo., II v. State Comm'n on Human Rels., 431 Md. 61, 80 (Md. 2013); MD. CODE ANN., STATE GOV'T § 20-706(b)(4). As such, courts have consistently held that cities, counties, and states must provide reasonable accommodations to zoning ordinances when necessary to allow persons with disabilities the full use, enjoyment, and access to their housing. See City of Edmonds v. Oxford House, Inc., 514 US 725 (1995)(holding zoning codes are not exempt from the reasonable accommodation requirements by the FHAA); Start, Inc. v. Baltimore County, 295 F. Supp. 2d 569, 576 (D. Md. 2003)(refusing to dismiss a complaint for discrimination under Title II of the ADA against Baltimore County noting that "numerous precedents establish that the administration of zoning laws is a 'service, program, or activity' within the meaning of the statute"); Smith-Berch, Inc., at 622 (finding federal antidiscrimination laws such as the ADA must take precedence over conflicting local laws, such as zoning ordinances).

Analysis

The McBrides have requested variances from BCZR § 1B02.3.C.1 as a reasonable accommodation to allow Nicholas and his foster brothers the full use and enjoyment of the home. Currently, Nicholas cannot enter the home, access a bathroom, or store all of his necessary medical equipment. However, with the approval of the petitioned variance, Nicholas will be provided will full use of the home, and access to the community.

To provide Nicholas with full access, the McBrides have requested two setback variances. First, the McBrides have requested approval for a ten (10) foot setback from the rear property line for a garage constructed prior to their purchase. This garage in its current location provides a covered location for the McBrides' wheelchair accessible van. Moreover, access from the garage to the main residential home is through a covered walkway. The covered walkway and garage as they currently are constructed provide the McBrides security from inclement weather when transporting Nicholas and his foster brother from the home to the van, and back again. Without this covered walkway and garage for the McBrides van, Nicholas would experience great difficulty in exiting the home to attend necessary medical appointment and remain an active member of the broader Baltimore County community.

The second variance requested by the McBrides is for the construction of an addition to the home to create an additional accessible bathroom, bedroom, and medical supply closet that would be five (5) feet from the property line. In the home's current construction, there are three bedrooms and two bathrooms. One bathroom is located in the basement of the property, which Nicholas cannot access in his wheelchair. The second bathroom currently cannot accommodate Nicholas's wheelchair with enough space to maneuver within the bathroom. The planned bathroom in the addition will accommodate Nicholas's wheelchair allowing the McBrides to maneuver Nicholas into and out of the bathroom. The addition also creates a fourth bedroom for

the McBrides to use, thus allowing the third bedroom to serve Nicholas and his two foster brothers. Nicholas has resided with the McBrides for almost three decades. He has lived in the present neighborhood, and with the McBrides for the same period of time. As a result, he has developed strong connections to the community and area that would be disrupted if the requested accommodation was not provided. As discussed by Nicholas's service providers, without the variances requested, Nicholas would be unable to fully function within the home and would be required to transfer to a medical facility equipped to serve his increasing needs.

Finally, this addition permitted with the second variance will create space for medical supply closets to house Nicholas's medical supplies. The degenerative nature of Nicholas's disability has resulted in a marked decline in Nicholas's daily function, especially over the past six months. For example, Nicholas has lost the ability to swallow, and thus must use a feeding tube to deliver his necessary daily caloric intake. In addition to equipment to manage, clean, and maintain Nicholas's feeding tube, the McBrides also receive shipments of Nicholas's nutritional supplements to meet his caloric needs. Currently, space and storage within the home is insufficient to accommodate Nicholas's monthly medical supply needs. As a result, the McBrides can only order supplies in at most two-week increments. With the proposed addition, the McBrides can order Nicholas's total monthly needs, store all required equipment close at hand, and allow the McBrides to continue to care for Nicholas within the home.

As described above, approval of the requested variance is necessary for Nicholas to fully use and enjoy his home, and maintain access to the community at large. Additionally, the proposed addition maintains the aesthetics of the community in keeping the single family home a one-story rancher, and the adjacent residential structures will remain at least thirteen (13) feet apart. Because the Board of Appeals is granted explicit authority to provide variances from

County zoning regulations, granting this petition for a zoning variance falls squarely into typical administration of County services and programs. The Board granting the requested variance places no undue financial burden on the County, nor change the natures of services provided by the Board. Therefore, the McBrides request approval of their petition for variance from CZR § 1B02.3.C.1 as a reasonable accommodation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kira Wilpone-Welborn', with a stylized flourish at the end.

Kira Wilpone-Welborn, Esq.

*Permission to Practice Pursuant to Rule 19-215

Disability Rights Maryland

1500 Union Ave., Ste. 2000

Baltimore, MD 21211

6/14/17

IN RE: PETITION FOR VARIANCE

(2909 Ritchie Avenue)

15th Election District

7th Council District

James W. & Carol Ann McBride

Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0270-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by James W. and Carol Ann McBride, owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a side yard setback of 5 ft. in lieu of the required 10 ft. for a one story addition to an existing dwelling and a 10 ft. rear yard in lieu of the required 30 ft. for an existing attached garage. A site plan was marked as Petitioners' Exhibit 1.

Owners James and Carol Ann McBride and David Billingsley, whose firm prepared the site plan, appeared in support of the petition. Several neighbors attended the hearing and opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing County agencies.

The site is approximately 13,200 sq. ft. in size and zoned DR 5.5. The property is improved with a single-family dwelling situated on Lot Nos. 34-37 as shown on the plat of Cedarcrest, recorded in 1939. Petitioners have three severely disabled children, and the proposed addition would provide much needed storage space for wheelchairs and other medical supplies needed to

ORDER RECEIVED FOR FILING

Date

6/14/17

By

Sen

care for the children on a daily basis.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As shown on an aerial photo submitted as Exhibit 6, most of the homes in the immediate vicinity are constructed on two or three individual lots, while the subject property is comprised of four contiguous lots. As such I believe the size of the property is somewhat unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed addition.

Finally, I find that the variances 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. Petitioners' neighbors object to the side yard variance request, and contend the addition would be too close to their home at 2907 Ritchie Avenue. However, based on the aerial photograph it appears several of the dwellings in the community have similar side yard setbacks. In addition, Mr. Billingsley indicated the addition would be constructed with fire-rated materials, and I do not believe granting the variance would jeopardize the health or safety of the community.

In granting the request I am cognizant of the fact that variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. Even so, the proposed addition (for which a variance is required) is designed to meet the needs of severely disabled children who would no doubt qualify as "disabled" under the Americans with Disabilities Act (ADA). The "administration of zoning laws"

ORDER RECEIVED FOR FILING

Date

6/14/17

By

Sen

is covered by Title II of the ADA, *Start, Inc. v. Baltimore County*, 295 F. Supp. 2d 569, 576 (D. Md. 2003), and in my opinion the grant of variance relief is a "reasonable accommodation" under that statute to which the Petitioners are entitled.

THEREFORE, IT IS ORDERED, this 14th day of **June, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a side yard setback of 5 ft. in lieu of the required 10 ft. for a one story addition to an existing dwelling and a 10 ft. rear yard in lieu of the required 30 ft. for an existing attached garage, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject 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:sln

ORDER RECEIVED FOR FILING

Date 6/14/17

By sen



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 14, 2017

James and Carol Ann McBride
2909 Ritchie Avenue
Baltimore, Maryland 21219

RE: Petition for Variance
Case No. 2017-0270-A
Property: 2909 Ritchie Avenue

Dear Mr. & Mrs. McBride:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: David Billingsley, 601 Charwood Ct., Edgewood, Maryland 21040
Denise Ducar, 2907 Ritchie Avenue, Baltimore, Maryland 21219
Glenn Weimer, 2902 Ritchie Avenue, Baltimore, Maryland 21219



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 2909 RITCHIE AVENUE Currently zoned OR 5.5
 Deed Reference 379401296 10 Digit Tax Account # 1519580210
 Owner(s) Printed Name(s) JAMES W. & CAROL ANN MCBRIDE

(SELECT THE HEARING(S) BY MARKING X 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:

- X ADMINISTRATIVE VARIANCE from Section(1B02.3.C.1) TO PERMIT A SIDE YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 10 FEET FOR A ONE STORY ADDITION TO AN EXISTING DWELLING AND A 10 FOOT REAR YARD IN LIEU OF THE REQUIRED 30 FEET FOR AN EXISTING ATTACHED GARAGE

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):

JAMES W. MCBRIDE CAROL ANN MCBRIDE

Name #1 – Type or Print

Name #2 – Type or Print

James W. McBride

Carol Ann McBride

Signature #1

Signature #2

2909 RITCHIE AVE. BALTO., MD.

Mailing Address

City

State

21219 (410) 477-2030

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name – Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD MD

Mailing Address

City

State

21040 (410) 679-8719 dwb0209@yahoo.com

Zip Code

Telephone #

Email Address

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

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 4/15/17 day of APRIL, 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 2017-0270-A Filing Date 4/5/2017 Estimated Posting Date 4/16/17 Reviewer [Signature]

Affidavit in Support c. 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: 7909 KITCHIE AVENUE BALTO. MD. 21219
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)

SEE ATTACHED

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

James W M McBride
Signature of Owner (Affiant)

JAME W. McBRIDE

Name- Print or Type

Carol Ann McBride
Signature of Owner (Affiant)

CAROL ANN McBRIDE

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 4th day of APRIL, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: JAMES W. AND CAROL ANN McBRIDE

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

AS WITNESS my hand and Notaries Seal

Karen E Lee

Notary Public

Aug 29, 2017

My Commission Expires

KAREN E. LEE

REV. 5/5/2016

2017-0270-A

**LETTER OF NEED FOR ADDITION ON
2909 RITCHIE AVE.**

To Whom It May Concern:

My name is Carol McBride and my husband's name is James McBride. We have 3 handicap sons. One of them is in a wheel chair and very difficult to care for due to his behaviors. He can not do anything on his own because he is severely and profoundly retarded. He is also very unwilling to allow you to assist him thereby making things tremendously more difficult than necessary. The other two have severe retardation and attention deficit disorders and one of them has aggressive behaviors.

My husband had a stroke a few years ago and as a result gets tired very easily and is extremely forgetful. He now has difficulty focusing at times.

The reason we need this addition built as large as possible is to better meet my husband and son's current and future needs, especially in the area of mobility. As my husband and I are just beyond middle age, I am also trying to prepare our home so we can continue to live there as we get old while I can still afford to do so.

As a caregiver, having proper space will make a world of difference in my ability to better meet all of their needs. It will also allow me some "breathing room" so I don't burn out in the process.

We sincerely hope that you will give us a favorable decision on this request.

Thank You for your time,

Carol McBride _____ Date _____

James McBride _____ Date _____

2017-0270-4

ZONING DESCRIPTION

2909 RITCHIE AVENUE

Beginning for the same at a point on the southeast side of Ritchie Avenue (40 feet wide), said point being distant 270 feet northeasterly from its intersection with the center of Armistead Road, thence being all of Lots 34, 35, 36, and 37 as shown on the plat entitled Cedar Crest recorded among the Baltimore County plat records in Plat Book 12 Folio 31.

Containing 13,200 square feet or 0.303 acre of land, more or less.

Being known as 2909 Ritchie Avenue. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Maryland.

2017-0270-A

№ 151417

Date: 4/5/17

[illegible]

Total: 75 00

Rec From: McBeide
For: 7909 Ritchie Ave
71719

2017-0270-A

PLEASE PRESS HARD!!!!

PAID RECEIPT

```

BUSINESS ACTUAL TIME DRW
4/05/2017 4/05/2017 14:23:31 3
REG WS03 MALKIN CAN
>>RECEIPT # 721376 4/05/2017 GFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 151417

```

Recpt Tot \$75.00
 \$1.00 CK \$80.00 CA
 \$5.00- CG
 Baltimore County, Maryland

**CASHIER'S
VALIDATION**



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2017-0270A

Address: 2909 RITCHIE AVE.

Petitioner(s): JAMES McBRIDE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We MR & MRS. JOSEPH G. DUCAR
Name - Type or Print

☒ Legal Owner OR ☒ Resident of
2907 RITCHIE AVE
Address

BALTIMORE MD. 21219-1244
City State Zip Code

410-477-8847
Telephone Number

which is located approximately NEXT DOOR 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.

Joseph G Ducar 4-24-2017
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

RECEIPT # 151548

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: 7909 RITCHIE AVENUE BALTO. MD. 21219
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)

SEE ATTACHED

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

James W. McBride
Signature of Owner (Affiant)

JAME W. McBRIDE
Name- Print or Type

Carol Ann McBride
Signature of Owner (Affiant)

CAROL ANN McBRIDE
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 4th day of April, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: JAMES W. AND CAROL ANN McBRIDE

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

AS WITNESS my hand and Notaries Seal

Karen E Lee
Notary Public

August 29 2017
My Commission Expires

KAREN E LEE

REV. 5/5/2016

2017-0270-A

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

Nº 143335

Date: 7-7-17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000			6150			265.00

Total: 265.00

Rec From: Carolyn + Joseph Ducar

For: OH Appeal

Case No. 2017-0270-A

2909 Ritchie Ave.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DFM
7/10/2017 7/07/2017 13:13:11 1
REG MS01 NATL LIR
>>RECEIPT # 730192 7/07/2017 (FLH)
Dept 5 520 ZONING VERIFICATION
CR NO. 143335

Recpt Tot \$265.00
\$1.00 CR \$265.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

IN RE: PETITION FOR VARIANCE

(2909 Ritchie Avenue)

15th Election District

7th Council District

James W. & Carol Ann McBride

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0270-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by James W. and Carol Ann McBride, owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a side yard setback of 5 ft. in lieu of the required 10 ft. for a one story addition to an existing dwelling and a 10 ft. rear yard in lieu of the required 30 ft. for an existing attached garage. A site plan was marked as Petitioners' Exhibit 1.

Owners James and Carol Ann McBride and David Billingsley, whose firm prepared the site plan, appeared in support of the petition. Several neighbors attended the hearing and opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing County agencies.

The site is approximately 13,200 sq. ft. in size and zoned DR 5.5. The property is improved with a single-family dwelling situated on Lot Nos. 34-37 as shown on the plat of Cedarcrest, recorded in 1939. Petitioners have three severely disabled children, and the proposed addition would provide much needed storage space for wheelchairs and other medical supplies needed to

CERTIFICATE OF POSTING

Date: APRIL 15, 2017

RE: Project Name: 2909 RITCHIE AVENUE
Case Number /PAI Number: 2017-0270-A
Petitioner/Developer: JAMES AND CAROL ANN MCBRIDE
Date of Hearing/Closing: MAY 1, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2909 RITCHIE AVENUE

The sign(s) were posted on APRIL 15, 2017
(Month, Day, Year)

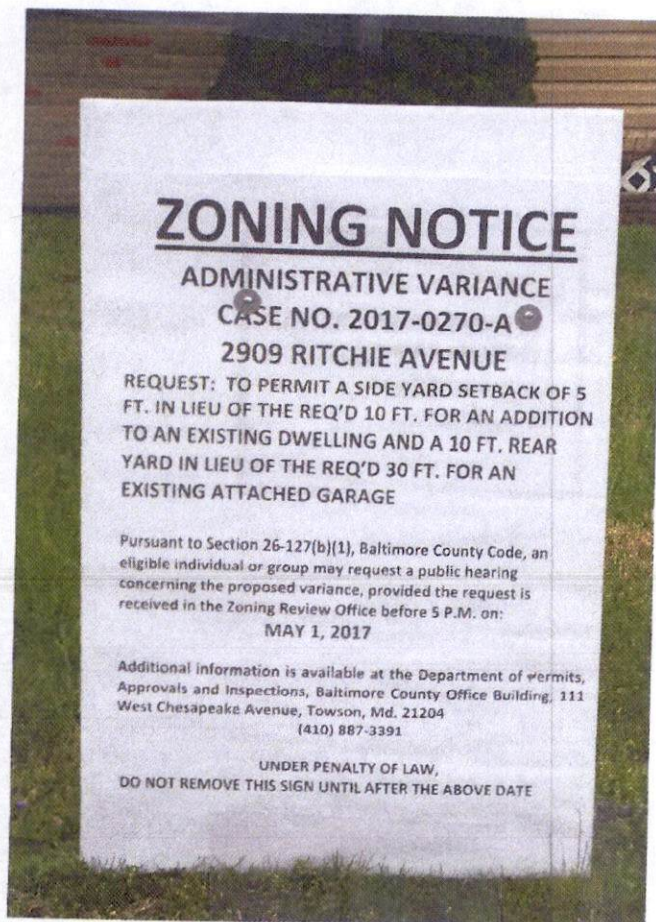
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)





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 4967613

Sold To:

Carol Ann McBride - CU00600416
2909 Ritchie Ave
Sparrows Point, MD 21219-1244

Bill To:

Carol Ann McBride - CU00600416
2909 Ritchie Ave
Sparrows Point, MD 21219-1244

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

May 23, 2017

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: # 2017-0270-A
2909 Ritchie Avenue
SE/s Ritchie Avenue, Northeast of centerline of Armistead Road
15th Election District - 7th Councilmanic District
Legal Owner: James & Carol Ann McBride

Variance: To permit a side yard setback of 5 feet in lieu of the required 10 feet for a one story addition to an existing dwelling and a 10 foot rear yard in lieu of the required 30 feet for an existing attached garage.

Hearing: Monday, June 12, 2017 at 1:30 p.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 5/726 May 23 4967613

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

Date: MAY 23, 2017

RE: Project Name: 2909 RITCHIE AVE
Case Number /PAI Number: 2017-0270-A
Petitioner/Developer: MR. AND MRS. MCBRIDE
Date of Hearing/Closing: JUNE 12, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2909 RITCHIE AVE

The sign(s) were posted on MAY 23, 2017
(Month, Day, Year)

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0270 -A Address 2909 Ritchie Ave

Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/5/17 Posting Date: 4/16/17 Closing Date: 5/1/17

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 2017- 0270 -A Address 2909 Ritchie Ave

Petitioner's Name JAMES & CAROL ANN McBRIDE Telephone 410-477-2030

Posting Date: 4/16/17 Closing Date: 5/1/17

Wording for Sign: U TO PERMIT A SIDE YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 10 FEET FOR A ONE STORY ADDITION TO AN EXISTING DWELLING AND A 10 FOOT REAR YARD IN LIEU OF THE REQUIRED 30 FEET FOR AN EXISTING ATTACHED GARAGE

Revised 7/6/16

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 23, 2017 Issue - Jeffersonian

Please forward billing to:
Carol Ann McBride
2909 Ritchie Avenue
Baltimore, MD 21219

410-477-2030

NOTICE OF ZONING HEARING

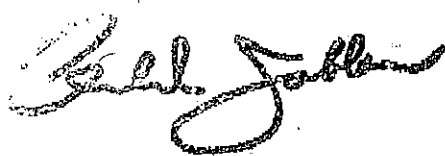
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0270-A

2909 Ritchie Avenue
SE/s Ritchie Avenue, Northeast of centerline of Armistead Road
15th Election District – 7th Councilmanic District
Legal Owner: James & Carol Ann McBride

Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet for a one story addition to an existing dwelling and a 10 foot rear yard in lieu of the required 30 feet for an existing attached garage.

Hearing: Monday, June 12, 2017 at 1:30 p.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

May 3, 2017

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 NUMBER: 2017-0270-A

2909 Ritchie Avenue
SE/s Ritchie Avenue, Northeast of centerline of Armistead Road
15th Election District – 7th Councilmanic District
Legal Owner: James & Carol Ann McBride

Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet for a one story addition to an existing dwelling and a 10 foot rear yard in lieu of the required 30 feet for an existing attached garage.

Hearing: Monday, June 12, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. McBride, 2909 Ritchie Avenue, Baltimore 21219
David Billingsley, 601 Charwood Court, Edgewood 21040
Mr. & Mrs. Ducar, 2907 Ritchie Avenue, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 23, 2017.**
- (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

July 20, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF: James and Carol Ann McBride
17-270-A 2909 Ritchie Avenue
Baltimore, MD 21219
15th Election District; 7th Councilmanic District

Re: Petition for Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet for a one story addition to an existing dwelling and a 10 foot rear yard setback in lieu of the required 30 feet for an existing attached garage.

6/14/17 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was GRANTED.

ASSIGNED FOR: **AUGUST 23, 2017, AT 10:00 A.M.**

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

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- 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.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

c: Petitioner/Legal Owner

: James and Carol Ann McBride

Protesants/Appellants

: Joseph and Carolyn Ducar

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

Denise Ducar

Glenn Weimer
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
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

September 7, 2017

NOTICE OF DELIBERATION

IN THE MATTER OF:

17-270-A

James and Carol McBride
2909 Ritchie Avenue
Baltimore, MD 21219
15th Election District; 7th Councilmanic District

AGENDA: Petition for Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet for a one story addition to an existing dwelling and a 10 foot rear yard setback in lieu of the required 30 feet for an existing attached garage.

6/14/17 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was GRANTED.

This matter having been heard and concluded on August 23, 2017, a public deliberation has been scheduled for the following:

DATE AND TIME: **NOVEMBER 8, 2017 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 **September 25, 2017 by 3:00 p.m.**
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER THE CONCLUSION OF THE DELIBERATION. A COPY OF THAT OPINION AND ORDER WILL BE SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

Notice of Public Deliberation

In the matter of: James and Carol McBride

Case No: 17-270-A

September 7, 2017

Page 2

c:	Counsel for Petitioner/Legal Owner	:	Kira Wilpone-Welborn, Esquire
	Petitioner/Legal Owner	:	James and Carol McBride
	Protestant	:	Joseph and Carolyn Ducar

David Billingsley

Denise Ducar

Glen Weimer

Andrea Van Arsdale, Director/Department of Planning

Arnold Jablon, Director/PAI

Lawrence M. Stahl, Managing Administrative Law Judge

Michael Field, County Attorney, Office of Law

Nancy West, Assistant County Attorney

Office of People's Counsel



KEVIN KAMENETZ
County Executive

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

June 7, 2017

James W & Carol Ann McBride
2909 Ritchie Avenue
Baltimore MD 21219

RE: Case Number: 2017-0270 A, Address: 2909 Ritchie Avenue

Dear Mr. & Ms. McBride:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 5, 2017. 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
David Billingsley, 601 Charwood Court, Edgewood MD 21040

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: May 8, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2017
Item No. 2017-0270, 0278, 0280, 0282, 0283, 0285 and 0286

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05082017.doc

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 20, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2017
Item No. 2017-0269, 0270, 0271 and 0272

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC04172017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: April 13, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0270-A
Address 2909 Ritchie Avenue
(McBride Property)

Zoning Advisory Committee Meeting of **April 17, 2017**.

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

Reviewer: Steve Ford

Date: 4-13-2017

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: April 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0270-A
Address 2909 Ritchie Avenue
(McBride Property)

Zoning Advisory Committee Meeting of **May 1, 2017**.

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

Reviewer: Steve Ford Date: 4-28-17

Date: 4/12/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0270-A.

*Administrative Variance
James W. & Carol Ann McBride
2909 Ritchie Avenue*

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,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Date: 4/26/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0270-A

*Administrative Variance
James W. & Carol Ann McBride
2909 Ritchie Avenue.*

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,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Krysundra Cannington

From: Kira Wilpone-Welborn <KiraWW@disabilityrightsmd.org>
Sent: Tuesday, August 22, 2017 3:47 PM
To: Appeals Board
Subject: McBride Petition for Variance 17-270-A
Attachments: McBride_Apperance_17-270-A.pdf; McBride_SupportMemo_17-270-A.pdf; McBride_Exhibits_17-270-A.pdf

Please find attached to this email, a notice of appearance and a memorandum of support for petitioners with exhibits in case number 17-270-A. If you have any questions, please feel free to contact me directly at 443-692-2496.

Sincerely,
Kira

Kira Wilpone-Welborn, Esq.
Attorney, Permission to Practice pursuant to Rule 19-215
Disability Rights Maryland, *formerly Maryland Disability Law Center*
1500 Union Ave., Suite 2000
Baltimore, MD 21211
410-727-6352 ext. 2496
KiraWW@DisabilityRightsMD.org



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JB 6-12-17
1:30 PM

Debra Wiley

From: Denise <deniseducar@hotmail.com>
Sent: Thursday, June 08, 2017 4:27 PM
To: Administrative Hearings
Subject: Case Number: 2017-0270-A
Attachments: Case Number 2017-0270-A Figures.doc; Case Number 2017-0270-a.doc

The two attachments are for Judge Beverungen in regards to the above case.
Please forward these.

Thank you,
Denise Ducar

Reference: Case Number 2017-0270-A

Honorable Judge Beverungen,

I reside at 2907 Ritchie Avenue where the Administrative Variance for 2909 Ritchie Avenue to permit a side yard setback of 5 ft. in lieu of the required 10ft for an addition to an existing dwelling is being addressed in the case number 2017-0270-A will affect me and I am opposed.

On that side of the house is two (2) bedrooms and the bathroom. With a building that is that close there will be a loss of air flow, for ventilation which is used in the spring, summer and fall by opening the windows in the bathroom and bedroom, since there is no central air conditioning in the house and only window air conditioners. I know this is possible because when my neighbor at 2905 Ritchie Avenue installed a privacy fence in the back yard the air flow in the kitchen window was noticeably less and this structure is not as tall as the proposed addition would need to be.

There is also the issue of privacy and a possibility of noise being heard from the houses being so close.



Figure 1



Figure 2

At this time this is the view from the bathroom window:



Figure 3

this is the view from the kitchen window: and this is the view from the dining

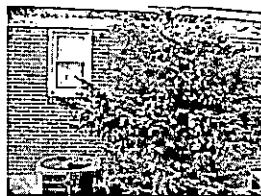


Figure 4

room window:

If the addition is to be at 5ft instead of 10ft then the view from the bathroom would be even closer than the view from the kitchen, and dining room which is too close. The kitchen window has a view into the neighbor's bedroom window. While the dining room window has a view into the neighbor's bathroom window and a portion of the other bedroom window which is to the right of the bathroom window.



Figure 5

These are pictures taken from the sidewalk between the houses at present:



Figure 6
shown in Figure 6.

If the addition is permitted at 5ft instead of 10 ft then it will be even closer then

According to Joseph Ducar the home owner the house is 8ft from the property line on both sides. He based this on the measurement from the fence, which is supposed to be on the property line, to the house. That would make the houses only 13ft apart if the addition is to be able to be only 5ft instead of the 10ft from the property line. This stresses me out due to the possibility of a fire, which I have become more aware of due to a fire between two homes up the street at 2917 and 2919 in late April of this year. Here are some pictures of the damaged caused by a boat that caught fire:



Figure 7



Figure 8

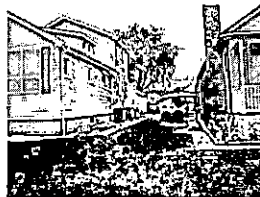


Figure 9

This would also change the esthetics of the area. Here are some pictures of houses in the area taken from across the street to get the entire house in the shot.



Figure 10



Figure 11



Figure 12



Figure 13



Figure 14

Here are some pictures showing the distance from the side walk between 2907 and 2909(Figure 15) and between 2909 and 2911(Figure 16).



Figure 15



Figure 16

And this is an image from google maps that shows how far apart most of the homes are from one another.



Imagery ©2017 DigitalGlobe, U.S. Geological Survey, Map data ©2017 Google 50 ft

Figure 17

Mr. & Mrs. McBride have been living at 2906 Ritchie Avenue since April 1997 and have not had any additions made to their home, which is only 1092 sq ft of above grade living area according to the

website <https://sdat.dat.maryland.gov/RealProperty>.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 15 Account Number - 1503004640								
Owner Information										
Owner Name:		MCBRIDE JAMES W MCBRIDE CAROL A			Use: Principal Residence:		RESIDENTIAL YES			
Mailing Address:		2906 RITCHIE AVE BALTIMORE MD 21219-1223			Deed Reference:		/12137/ 00167			
Location & Structure Information										
Premises Address:		2906 RITCHIE AVE BALTIMORE 21219-1223			Legal Description:		LT 18.19 2906 RITCHIE AVE CEDARCREST			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	2
0111	0004	0126		0000	G		18	2015	Plat Ref:	0012/ 0031
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1957		1,092 SF				6,600 SF		04		
Stories	Basement	Type		Exterior		Full/Half Bath		Garage	Last Major Renovation	
1 1/2	YES	STANDARD UNIT		ASBESTOS SHINGLE		2 full/ 1 half				
Value Information										
		Base Value		Value		Phase-In Assessments				
				As of		As of		As of		
				01/01/2015		07/01/2016		07/01/2017		
Land:		72,600		72,600						
Improvements		87,000		89,800						
Total:		159,600		162,400		161,467		162,400		
Preferential Land:		0						0		
Transfer Information										
Seller: CARTER MARY A				Date: 04/21/1997			Price: \$89,500			
Type: ARMS LENGTH IMPROVED				Deed1: /12137/ 00167			Deed2:			
Seller: CARTER HOWARD F				Date: 06/20/1980			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /06176/ 00200			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017				
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										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application						Date:				

In August 2016 they purchased 2909 Ritchie Avenue which has 1400 sq ft of above grade living area and 1050 sq ft of finished basement, which is a total of 2450 sq ft, plus the area unfinished. This is a three(3)

Case number: 2017-0270-A

bedroom, one(1) bathroom, kitchen, formal dining room off the kitchen next to the living room that has a fireplace house with a sink, toilet and shower in the basement.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1519580210							
Owner Information									
Owner Name:		MCBRIDE JAMES W MCBRIDE CAROL ANN				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		2909 RITCHIE AVE BALTIMORE MD 21219-1244				Deed Reference:		/37940/ 00296	
Location & Structure Information									
Premises Address:		2909 RITCHIE AVE BALTIMORE 21219-1244				Legal Description:		LT 34-37 CEDAR CREST	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0111	0004	0126		0000	F		34	2015	0012/ 0031
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1957		1,400 SF		1050 SF		13,200 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
1	YES	STANDARD UNIT	FRAME	1 full/ 1 half	1 Detached				
Value Information									
			Base Value	Value		Phase-In Assessments			
				As of		As of		As of	
				01/01/2015		07/01/2016		07/01/2017	
Land:			75,300	75,300					
Improvements			136,100	155,300					
Total:			211,400	230,600		224,200		230,600	
Preferential Land:			0					0	
Transfer Information									
Seller: SNYDER JESSICA				Date: 08/30/2016			Price: \$239,900		
Type: ARMS LENGTH IMPROVED				Deed1: /37940/ 00296			Deed2:		
Seller:				Date:			Price: \$0		
Type:				Deed1: /04571/ 00358			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
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									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application						Date:			

This gives them an additional 1358 sq ft more than they have at 2906 Ritchie Avenue without the 29 ft x 27 ft addition that is 783 sq ft. This square footage doesn't include the large 2 car plus garage in the back

yard.



Figure 18

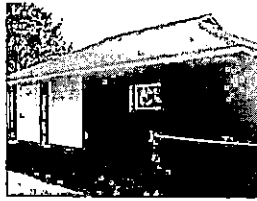


Figure 19

This addition is almost the size of a home that is on this street at 2903, which is 840 sq ft of above grade living area, and is a two(2) bedroom, one(1) bathroom, kitchen and living room home.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1523501770							
Owner Information									
Owner Name:		CLARIDGE FRANK P JR CLARIDGE DEBORAH ANN				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		2903 RITCHIE AVE BALTIMORE MD 21219-1244				Deed Reference:		/27098/ 00117	
Location & Structure Information									
Premises Address:		2903 RITCHIE AVE 0-0000				Legal Description:		LTS 28.29 2903 RITCHIE AVE ES CEDAR CREST	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0111	0004	0126		0000	F		28	2015	Plat Ref: 0012/0031
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1958		840 SF				6,600 SF		04	
Stories	Basement	Type	Exterior		Full/Half Bath		Garage	Last Major Renovation	
1	YES	STANDARD UNIT	ASBESTOS SHINGLE		1 full				
Value Information									
			Base Value		Value		Phase-In Assessments		
					As of		As of		As of
					01/01/2015		07/01/2016		07/01/2017
Land:			72,600		72,600				
Improvements			78,300		90,400				
Total:			150,900		163,000		158,967		163,000
Preferential Land:			0						0
Transfer Information									
Seller: DEBUS RONALD K				Date: 06/17/2008			Price: \$220,000		
Type: ARMS LENGTH IMPROVED				Deed1: /27098/ 00117			Deed2:		
Seller: DEBUS RONALD K				Date: 05/03/1996			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /11564/ 00469			Deed2:		
Seller: DEBUS DONALD K				Date: 08/25/1993			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /09968/ 00725			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
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: Approved 07/17/2008									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application						Date:			

I can understand wanting to add some more space to maybe add an additional bedroom, bathroom and possibly a laundry room, but I don't see why a 29ft x 27ft is need when a 5ft reduction would meet the

10ft side yard setback for an addition. The square footage would go from 783 for the 29ft x 27ft to 648 for a 24ft x 27ft a loss of 135.

Sincerely,

Denise Ducar



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



Figure 8



Figure 9



Figure 10



Figure 11



Figure 12



Figure 13



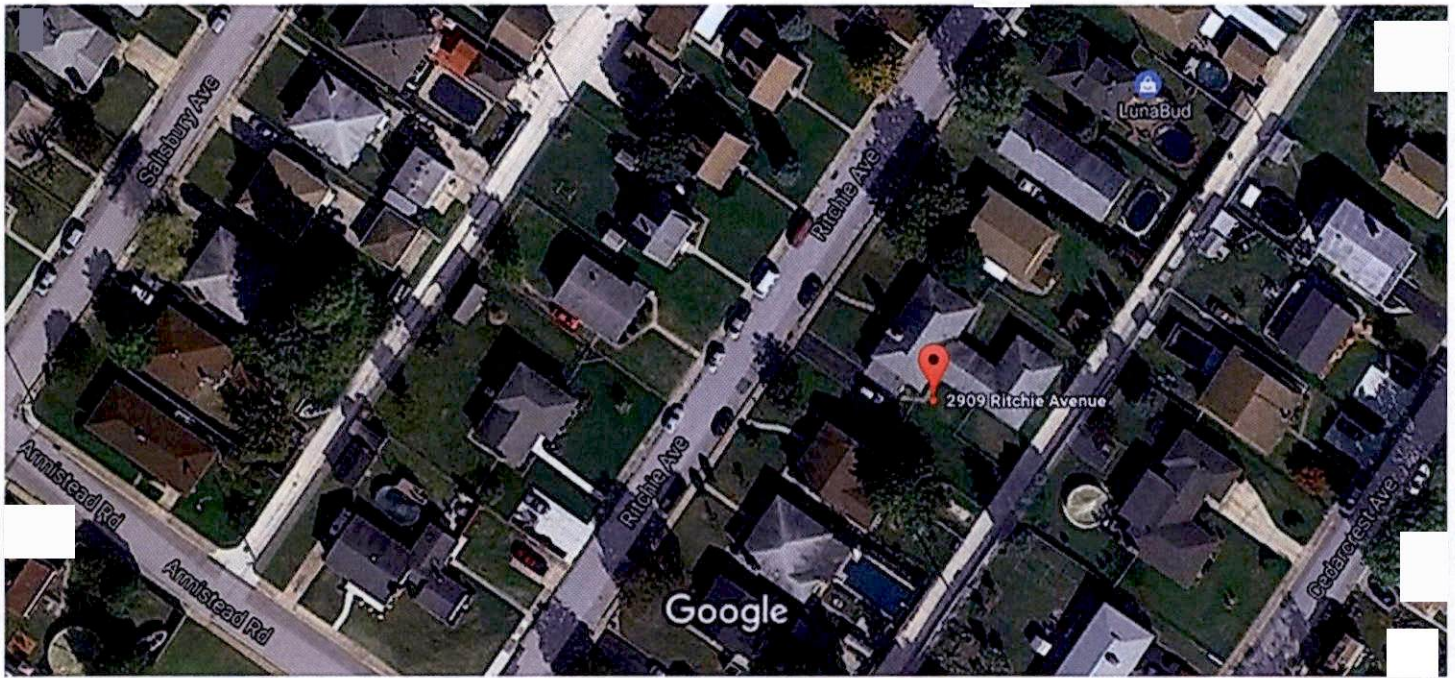
Figure 14



Figure 15



Figure 16



Imagery ©2017 DigitalGlobe, U.S. Geological Survey, Map data ©2017 Google 50 ft

Figure 17



Figure 18



Figure 19

July 7, 2017

Reference: Case # 2017-0270-A

Court Board of Appeals/
Judge Beverungen

Want to file an Appeal on judgement rendered
on the case # 2017-0270-A.

2909 Ritchie Ave property is NOT the only property
that is 4 lots. Both 2901 & 2902 Ritchie Ave are
4 lots, as well. 2904 Cedar Crest which is behind and
to the right of 2909 Ritchie Ave & 2906 Cedar Crest Ave.
which is behind 2909 Ritchie Ave both are single
story homes on 4 lots. All are on Plat Ref: 0012/0031
according to the Maryland Assessment & Taxation website.

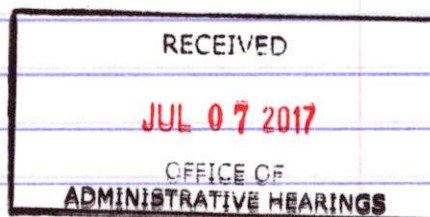
If when the houses were build in the late 50's & early 60's
the Side yard set back was 8' or 7' and the New
addition was to go to that then the Addition of 27x29 would
be 7'. This would be how close 2905 & 2907 are, even
though other homes including these homes 2906 appear to
be farther than that on both sides.

With the addition being 27x29 instead of 29x27
it's the same sq' footage, just a rotation of plat

Sincerely,

Carolyn A. Ducar

Joseph A. Ducar



care for the children on a daily basis.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As shown on an aerial photo submitted as Exhibit 6, most of the homes in the immediate vicinity are constructed on two or three individual lots, while the subject property is comprised of four contiguous lots. As such I believe the size of the property is somewhat unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed addition.

Finally, I find that the variances 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. Petitioners' neighbors object to the side yard variance request, and contend the addition would be too close to their home at 2907 Ritchie Avenue. However, based on the aerial photograph it appears several of the dwellings in the community have similar side yard setbacks. In addition, Mr. Billingsley indicated the addition would be constructed with fire-rated materials, and I do not believe granting the variance would jeopardize the health or safety of the community.

In granting the request I am cognizant of the fact that variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. Even so, the proposed addition (for which a variance is required) is designed to meet the needs of severely disabled children who would no doubt qualify as "disabled" under the Americans with Disabilities Act (ADA). The "administration of zoning laws"

Carolyn P. Dusek
2907 Ritchie
Baltimore, MD 21219

April 24, 2017

Director of Permits, Approvals and Inspections

Arnold Jablon

111 W. Chesapeake Ave.

Baltimore, MD 21204

Ref. Case # 2017-0270-A

Dear Mr. Arnold Jablon,

This is in regards to the Administrative Variance for 2909 Ritchie Avenue to permit a sideyard setback of 5 ft. in lieu of the req'd 10 ft. for an addition to an existing dwelling addressed in case # 2017-0270A.

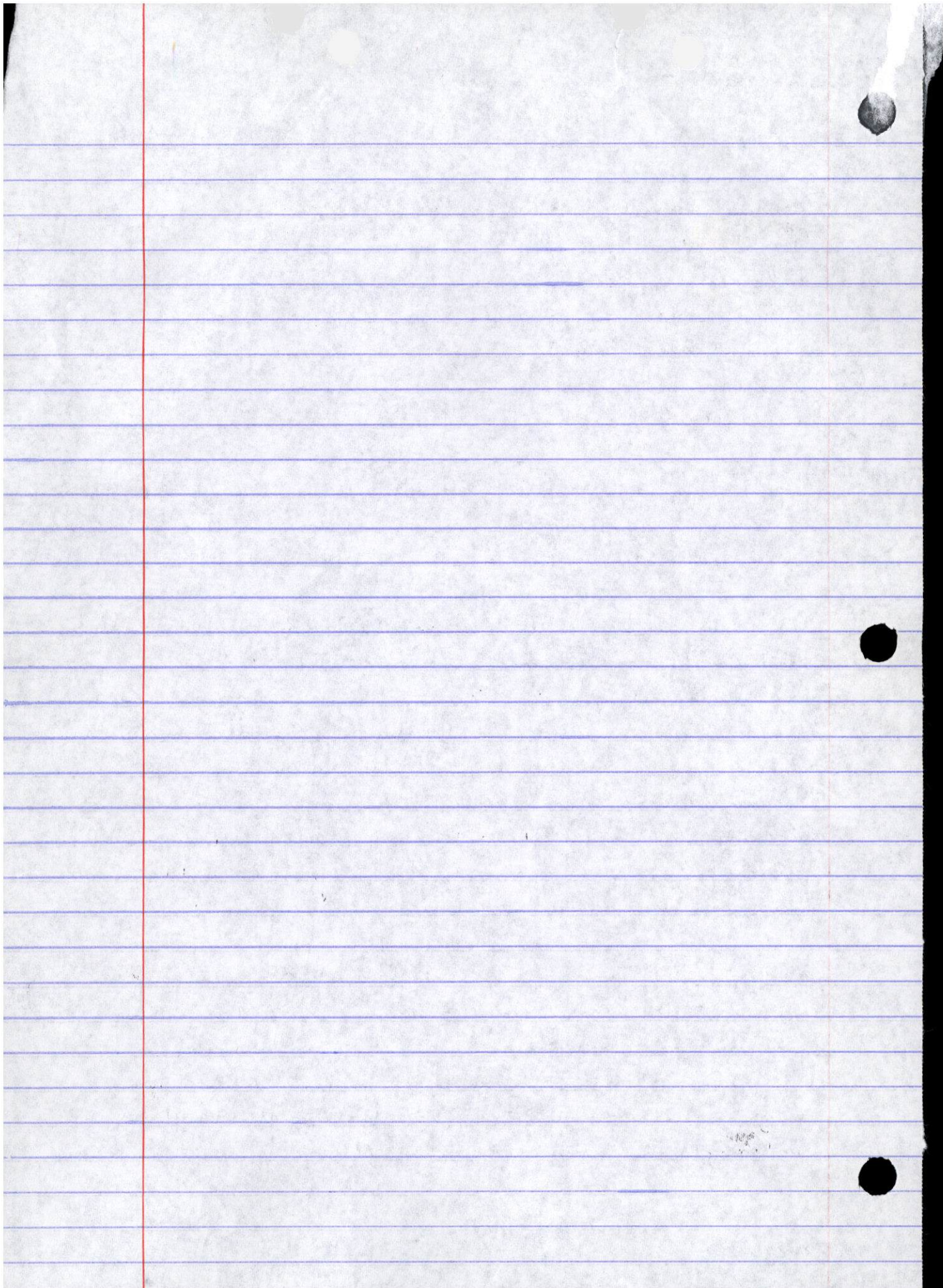
As I own and live in the dwelling at 2907 Ritchie Avenue this addition will impact me and I am opposed to this variance of a 5 ft. sideyard setback. There are 2 bedrooms and a bathroom on that side of the house. The windows in the bedroom and bathroom are used in the spring, fall and summer. This house doesn't have central a/c and uses window units. It is my understanding that the addition adds a substantial amount of square footage to the existing dwelling, almost an additional house. I am also worried that this may be a fire hazard.

On April 20th just up the street between the homes of 2917 and 2919 Ritchie Avenue a boat on the 2917 property caught fire and caused damage to both properties. The dwelling in 2917 had a window broken and the aluminum siding was scorched. On the 2919 dwelling the vinyl siding was damaged on the first and second floors.

Sincerely,

Carolyn P. Dusek

Carolyn P. Dusek





KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 10, 2017

James and Carol Ann McBride
2909 Ritchie Avenue
Baltimore, Maryland 21219

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2017-0270-A
Property: 2909 Ritchie Avenue



Dear Petitioners:

Please be advised that an appeal of the above-referenced case was filed in this Office on July 7, 2017. 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,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: David Billingsley, 601 Charwood Ct., Edgewood, Maryland 21040
Carolyn, Joseph & Denise Ducar, 2907 Ritchie Avenue, Baltimore, Maryland 21219
Glenn Weimer, 2902 Ritchie Avenue, Baltimore, Maryland 21219
✓ Baltimore County Board of Appeals
People's Counsel

APPEAL

**Petition for Administrative Variance
(2909 Ritchie Avenue)
15th Election District – 7th Councilmanic District
Legal Owners: James W. & Carol Ann McBride
Case No. 2017-0270-A**

Petition for Variance Hearing (April 23, 2017)

Zoning Description of Property

Administrative Variance Information Sheet and Dates

Certificate of Posting for Administrative Variance – Closing date of 5/1/17 (April 15, 2017) Billingsley

Formal Demand for Hearing Form and Letter (April 24, 2017) – Joseph & Carolyn Ducar

Notice of Zoning Hearing – May 3, 2017

Certificate of Posting for Variance – Hearing date of 6/12/17 (May 23, 2017) Billingsley

Newspaper Advertisement – May 23, 2017 - Jeffersonian

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – 1 Sheet

Citizen's Sign-in Sheets- 1 Sheet

Petitioner(s) Exhibits -

1. Plat to Accompany Petition dated April 1, 2017
2. SDAT Real Property Data Search
3. Deed of Record
4. Revised Plat of Cedarcrest
5. Location Survey
6. Aerial Photo
7. A-b. Photos

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED – June 14, 2017)

Notice of Appeal & Receipt – July 7, 2017 from Carolyn & Joseph Ducar



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

August 22, 2017

Board of Appeals
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

SENT VIA EMAIL appealsboard@baltimorecountymd.gov

Dear Board of Appeals,

Please accept this letter as notice of representation of James and Carol McBride in case number 17-270-A before the Board of Appeals of Baltimore County by Kira Wilpone-Welborn, Esq. of Disability Rights Maryland.

If there are any questions or concerns, I may be reached directly at 443-692-2496.

Sincerely,

A handwritten signature in black ink, appearing to read "Kira Wilpone-Welborn", written over a horizontal line.

Kira Wilpone-Welborn, Esq.

*Permission to Practice Pursuant to Rule 19-215

Disability Rights Maryland

1500 Union Ave., Ste. 2000

Baltimore, MD 21211

443-692-2496

IN THE MATTER OF:

Petition for Variance
James and Carol McBride
2909 Ritchie Avenue
Baltimore, MD 21219

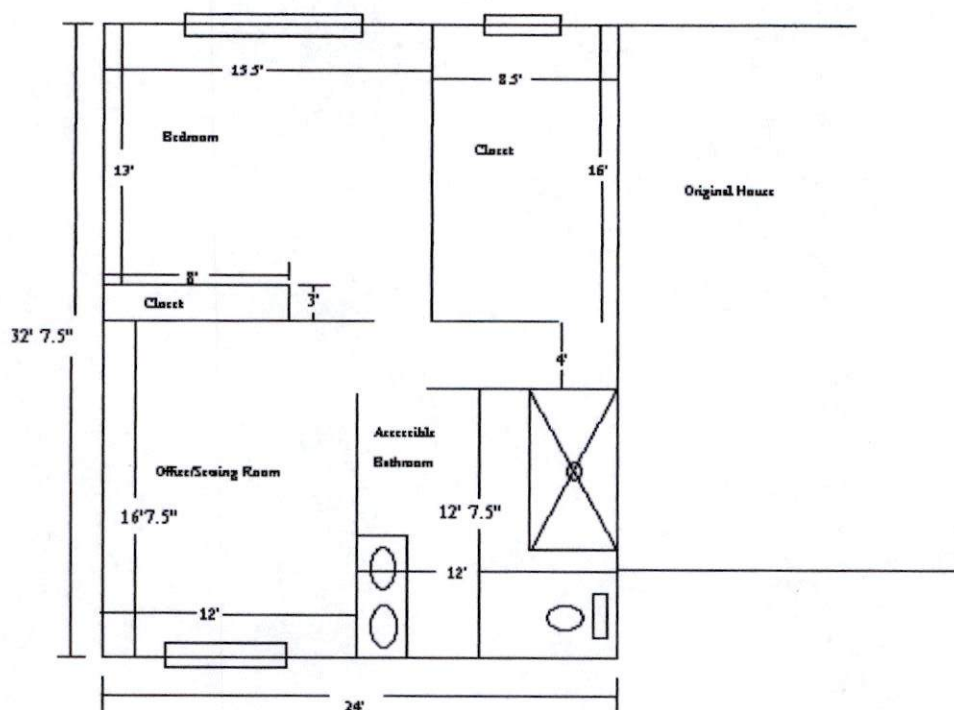
*
*
*
*

BEFORE THE
BOARD OF APPEAL
OF BALTIMORE COUNTY
Case No: 17-270-A

* * * * *

The McBride's are requesting a side yard setback of 5 feet in lieu of the required 10 feet for a one story addition to contain a bedroom, office/sewing room for their personnel use and an accessible bathroom, additional closet for storage of needed medical supplies. The proposed addition is 29 feet in length by 27 feet in width for a total of 783 square feet of living space.

Joseph and Carolyn Ducar are opposed to the variance of a 5 feet side yard setback instead of the 10 feet and not the variance of 10 foot rear yard setback instead of the 30 foot or to have an addition that is needed to accommodate the McBride's. The opposition is to the dimension of the addition. Instead of the addition being 29' x 27' an addition of 24' x 32.625' would provide the same square footage without the need for the variance. The following is an alternative layout which complies with the existing Baltimore County Zoning Regulations for a side yard setback of 10 feet that would accommodate the McBride's needs for an addition of 783 square feet.



BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: James and Carol Ann McBride 17-270-A

DATE: November 8, 2017

BOARD/PANEL: Andrew M. Belt, Chairman
Kendra Randall Jolivet
Joseph L. Evans

RECORDED BY: Sunny Cannington/Administrator

PURPOSE: To deliberate the following:

1. Petition for Variance relief from §1B02.3.C.1 of the BCZR to permit a side yard setback of 5 ft. in lieu of the required 10 ft. for a one story addition to an existing dwelling and a 10 ft. rear yard in lieu of the required 30 ft. for an existing attached garage;
2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

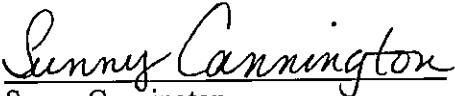
STANDING

- The Board reviewed the history of this matter. The Board noted that the back yard setback is existing as requested and the Protestants generally had no opposition to the garage and its location. The Board determined that the back yard setback will be granted.
- The Board discussed the facts of this matter. The Petitioners have provided long term foster care for children with special needs. The requested addition is to accommodate the special needs of the children. The Board discussed how the zoning laws intersect with the Americans with Disabilities Act (ADA). The Board discussed the definition of a "reasonable accommodation." The Board determined that even though the property is not unique pursuant to the conditions of Cromwell v. Ward; the ADA allows for reasonable accommodations to be made. The Board determined that granting the variance provided a reasonable accommodation for the Petitioners.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Petition for Variance.

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

Krysundra Cannington

From: Joseph Evans <josephevans2@gmail.com>
Sent: Thursday, November 16, 2017 12:32 PM
To: Krysundra Cannington
Subject: Re: Draft McBride opinion

I did look at the minutes. Did I miss something?

Joe Evans
Sent from my iPhone

On Nov 16, 2017, at 10:38 AM, Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Joe,

I received the draft of the opinion. Did you have a change to look at the minutes? I've attached them for your convenience.

Sunny

From: Joseph Evans [<mailto:josephevans2@gmail.com>]
Sent: Thursday, November 16, 2017 1:16 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Andrew Belt <andybelt7@gmail.com>; Kendra Jolivet <kendrajolivet@gmail.com>
Subject: Draft McBride opinion

Sunny --

Here is the draft for technical and substantive review by all. . .

Joe



CONNECT WITH BALTIMORE COUNTY



<McBride 17-270-A Minutes.docx>

CASE NAME 2909 KITCHIE AVE
CASE NUMBER 2017-0270-A
DATE JUNE 12, 2017

[illegible]

CASE NAME Mr + Mrs. McBride

CASE NUMBER 2017-0270-A

DATE 6-12-17

CITIZEN'S SIGN - IN SHEET

ADDRESS

E - MAIL

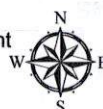
[illegible]

2909 Ritchie Avenue 2017-0270-A



Publication Date: March 24, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



1 inch = 40 feet

2904 2904 Ritchie A

2909

2911



2017-0270-A

© 2016 Google

© 2017 Google



2017

39°14'24.77" N 76°27'06.71" W

3024

1035

#2907

#2909

© 2016 Google

© 2017 Google

2017-07-05

39°14'23.68" N 76°27'07.81" W

1165 #

6035 #

2909

Z617-0270-A

© 2016 Google

© 2017 Google

G

2017

2067



Google earth



PETITIONER'S EXHIBIT

**CASE NO. 2017-0270-A
2909 RITCHIE AVENUE**

*Sen
6-14-17*

- 1. PLAT TO ACCOMPANY PETITION DATED APRIL 1, 2017**
- 2. SCAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD L.37940 F.296 DATED AUGUST 22, 2016**
- 4. REVISED PLAT OF CEDARCREST PB. 12/31 RECORDED MARCH 6, 1939**
- 5. LOCATION SURVEY DATED JULY 22, 2016**
- 6. AERIAL PHOTO**
- 7a-b. PHOTOS**

Real Property Data Search (-w2) **Guide to searching the database**

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1519580210		
Owner Information		
Owner Name:	MCBRIDE JAMES W MCBRIDE CAROL ANN	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	2909 RITCHIE AVE BALTIMORE MD 21219-1244	Deed Reference: /37940/ 00296
Location & Structure Information		
Premises Address:	2909 RITCHIE AVE BALTIMORE 21219-1244	Legal Description: LT 34-37 CEDAR CREST
Map:	Grid:	Parcel:
0111	0004	0126
Sub District:	Subdivision:	Section:
	0000	F
Block:	Lot:	Assessment Year:
	34	2015
Plat No:	Plat Ref:	0012/0031
Special Tax Areas:	Town:	NONE
Ad Valorem:	Tax Class:	
Primary Structure Built:	Above Grade Enclosed Area:	Finished Basement Area:
1957	1,400 SF	1050 SF
Property Land Area:	County Use:	
13,200 SF	04	
Stories:	Basement:	Type:
1	YES	STANDARD UNIT
Exterior:	Full/Half Bath:	Garage:
FRAME	1 full/ 1 half	1 Detached
Last Major Renovation:		
Value Information		
Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016
		As of 07/01/2017
Land:	75,300	75,300
Improvements:	136,100	155,300
Total:	211,400	230,600
Preferential Land:	0	0
Transfer Information		
Seller: SNYDER JESSICA	Date: 08/30/2016	Price: \$239,900
Type: ARMS LENGTH IMPROVED	Deed1: /37940/ 00296	Deed2:
Seller:	Date:	Price: \$0
Type:	Deed1: /04571/ 00358	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2016
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

3. The Baltimore County Department of Planning and Economic Development hereby certifies that the information provided on this page is accurate and complete to the best of its knowledge and belief. We have confidence in

**PETITIONER'S
EXHIBIT NO. 2**

AFTER RECORDING RETURN TO:

James W. McBride
2909 Ritchie Avenue
Baltimore, MD 21219

Tax ID#: 15 15 19580210

DOCUMENT PREPARED BY:

Sage Title Group, LLC
7939 Honeygo Boulevard, Suite 124
Baltimore, MD 21236
File Number: 2356

①/2
LR - Deed (w Taxes)
Recording only ST20.00
Grantor/Grantee Name:
McBride
Reference/Control #:
Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 1,199.50
LR - Non-Resident Tax
- linked 0.00

This Deed, MADE THIS 22 day of August, 2016, by and between **Jacqueline A. Snyder**, Personal Representative of Estate of Veronica Snyder, party of the first part, and **James W. McBride and Carol Ann McBride**, parties of the second part.

08/30/2016 01:01
CC03-CR

WITNESSETH, That in consideration of the sum of **TWO HUNDRED THIRTY NINE THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$239,900.00)**, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, in fee simple, all that parcel of ground situated in **Baltimore County, Maryland** and as described as follows, that is to say:

ALL THOSE lots of ground situate in Baltimore County, Maryland being known and designated as Lot Nos. 34, 35, 36 and 37, in Section F, SECOND REVISED PLAT OF CEDARCREST, recorded among the Plat Records of Baltimore County, Maryland in Plat Book CWB, Jr. No. 12, folio 31.

The improvements thereon being known as 2909 Ritchie Avenue, Baltimore, Maryland 21219.

Tax ID#: 15 15 19580210

BEING the same property which by deed dated January 13, 1966 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 4571, folio 358, was granted and conveyed by Sidney I. Fradkin, Attorney named in Mortgage unto Paul Snyder and Veronica Snyder.

The said Paul Snyder, having departed this life on or about September 30, 1982, thereby vesting title unto Veronica Snyder, surviving tenant by the entirety of Paul Snyder, deceased

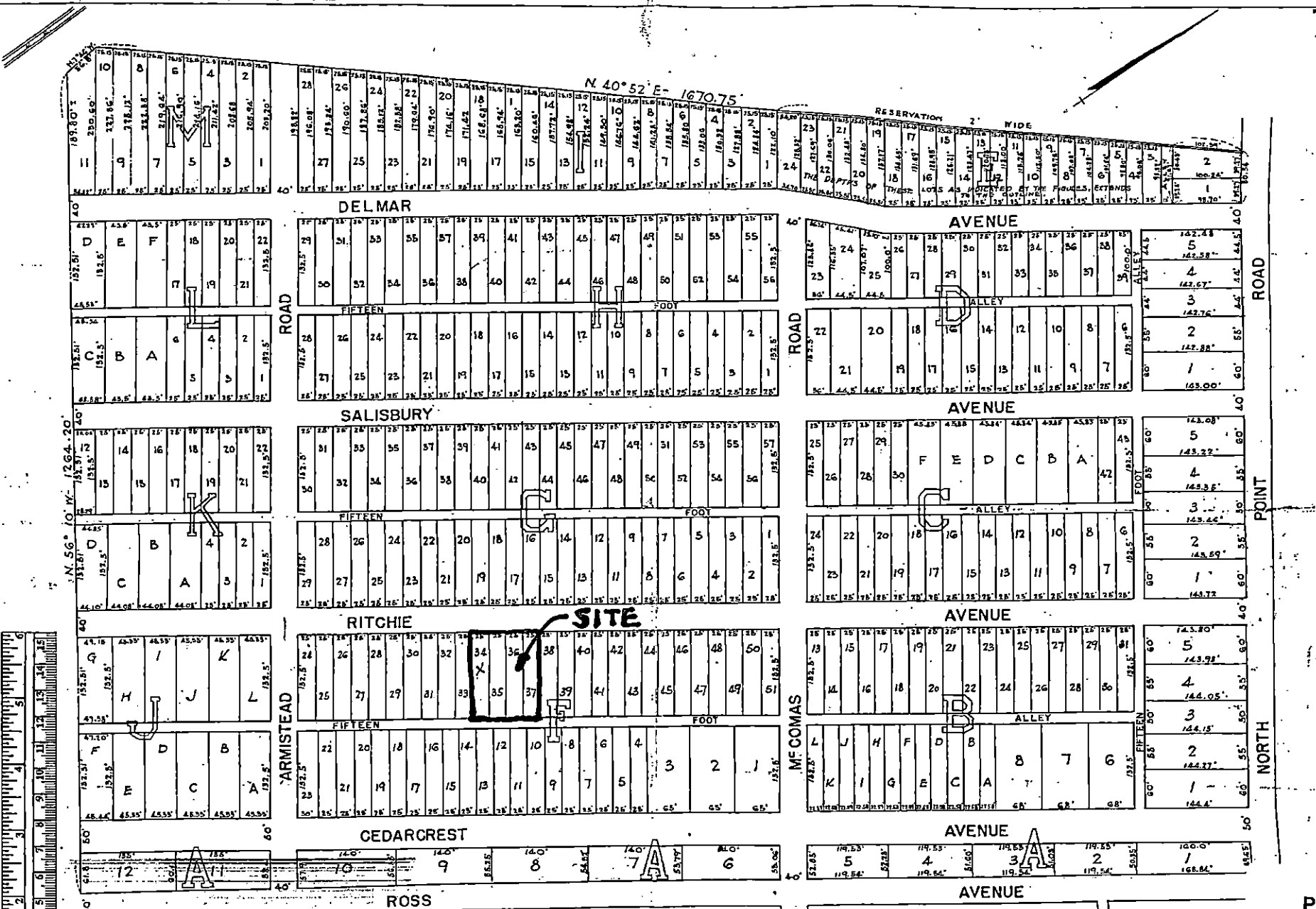
The said Veronica Snyder, having departed this life TESTATE on or about June 11, 2015, thereby vesting title unto Jacqueline A. Snyder, Personal Representative of the Estate of Veronica M. Snyder, known of record as Veronica Snyder, deceased, pursuant to Letters of Administration and probated as filed in Estate No. 184626, in the Register of Wills for Baltimore County, Maryland

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

SUBJECT TO all rights, easements, restrictions, covenants and reservations of record.

THE GRANTOR HEREBY CERTIFIES THAT THIS CONVEYANCE IS NOT PART OF A TRANSACTION IN WHICH THERE IS A SALE, LEASE, EXCHANGE OR OTHER TRANSFER OF ALL OR SUBSTANTIALLY ALL OF THE PROPERTY AND ASSETS OF THE GRANTOR.

PETITIONER'S
EXHIBIT NO. 3



SECOND
REVISED PLAT
OF
CEDARCREST

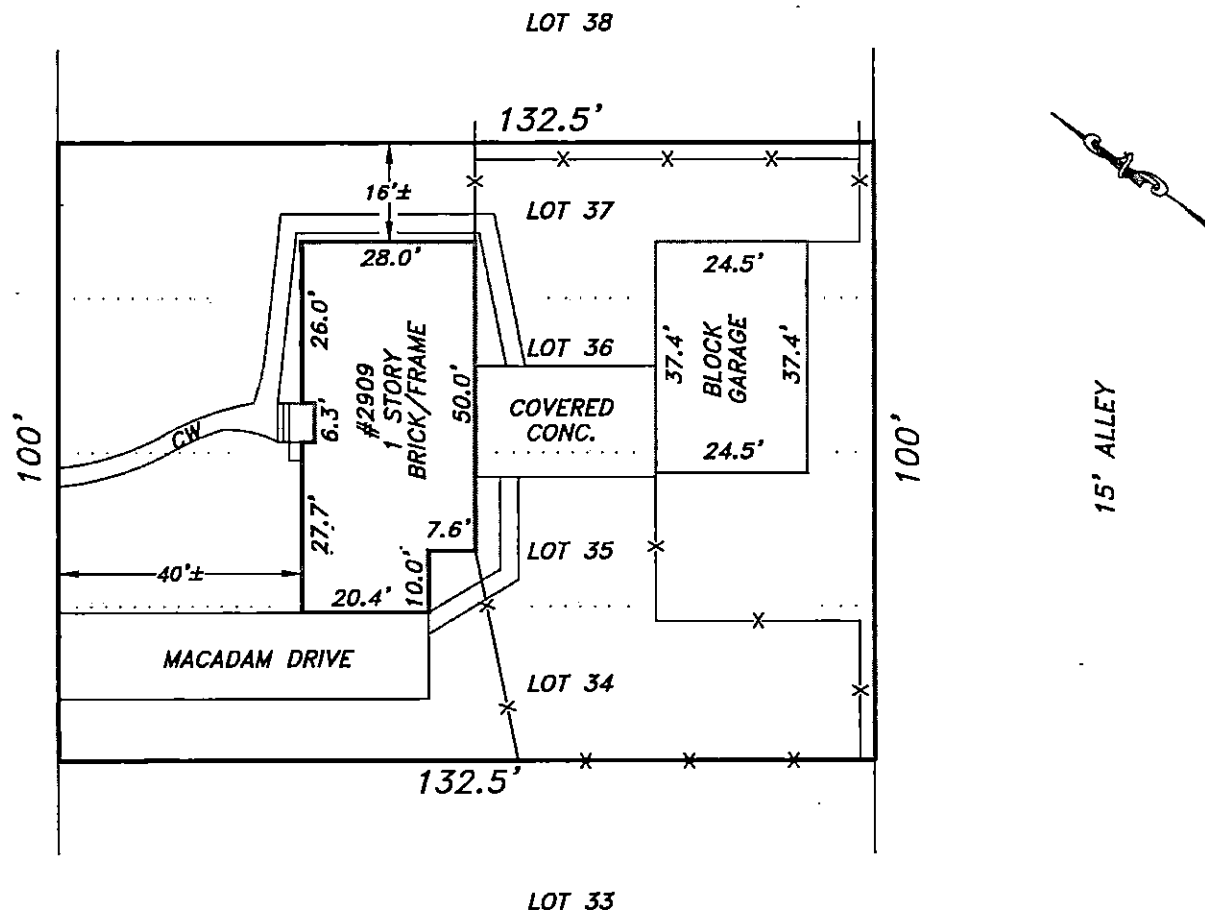
PB 12/31
REC: 3-6-39

PETITIONER'S
EXHIBIT NO. 4

SCALE: 1"=100' NOVEMBER 25, 1938
E.V. COONAN & CO.
SURVEYORS & CIVIL ENGINEERS
231 ST. PAUL PLACE
BALTO., MD.

PETITIONER'S
EXHIBIT NO. **5**

RITCHIE AVENUE
40' R/W



The purpose of this drawing is to locate, describe, and represent the positions of buildings and substantial improvements affecting the property shown hereon, being known as:

LOTS 34, 35, 36 & 37 SECTION F
SECOND REVISED PLAT OF CEDARCREST

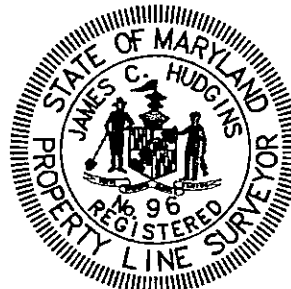
recorded among the land records of Baltimore County, Maryland in
PLAT BOOK 12, folio 31

PREPARED FOR:



SAGE TITLE GROUP
THE WISE CHOICE

This is page one of a two page document. The advice found on the affixed page is an integral part of this drawing, and is not valid without all pages.



James Carl Hudgins
Property Line Surveyor #96
Expiration Date: 3/11/18

LOCATION DRAWING
2909 RITCHIE AVENUE
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

NTT Associates, Inc.

16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
www.nttsurveyors.com

Scale: 1" = 30'

Date: 7/22/2016

Field By: CIP

Drawn By: CIP

File No.: 2356WHMS

Page No.: 1 of 2

2114

Board of Appeals

James & Carol
Case No: McBride

Case Name: 17-270 A

Exhibit List

Party: Petitioner

Date: 8/23/17

Exhibit No:	Description:
✓ 1	Plat
✓ 1B	SDAT
✓ 3	- Deed
✓ 4	Aerial Plat
✓ 5	Survey
✓ 6	Aerial Photo
✓ 7	Petition
✓ 8	Posting Cert.
✓ 9	" "
✓ 10	" "
✓ 11 <u>Repealed</u>	Letter from Service Coordinator
✓ 12	Photo of Front of House
✓ 13	Garage Photo
VERIFIED BY <u>KC</u> DATE: <u>9/6/17</u>	

Petitioner's Exhibits

Case No. 2017-0270-A

2909 Ritchie Avenue

1. Plat to Accompany Petition
 2. SDAT Real Property Data Search
 3. Deed of Record
 4. Revised Plat of Cedarcrest PB. 12-31 Recorded March 6, 1939
 5. Location Survey Dates July 22, 2016
 6. Aerial Photo
 7. Administrative Zoning Petition for 2909 Ritchie Avenue
 8. Certificate of Posting Administrative Variance
 9. Certificate of Posting Zoning Public Hearing
 10. Baltimore Sun Notice of Zoning Hearing Newspaper Publication
 11. Service Coordinator letter
 12. Photo of Front Property
 13. Photo of Rear Property
-

AFTER RECORDING RETURN TO:
James W. McBride
2909 Ritchie Avenue
Baltimore, MD 21219

Tax ID#: 15 15 19580210

DOCUMENT PREPARED BY:
Sage Title Group, LLC
7939 Honeygo Boulevard, Suite 124
Baltimore, MD 21236
File Number: 2356

LR - Deed (w/ Taxes)
Recording only ST20.00
Grantor/Grantee Name:
McBride
Reference/Control #:
Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 1,199.50
LR - Non-Resident Tax
- Linked 0.00

This Deed, MADE THIS 22 day of August, 2016, by and between James W. Snyder, Personal Representative of Estate of Veronica Snyder, party of the first part, and James W. McBride and Carol Ann McBride, parties of the second part.

WITNESSETH, That in consideration of the sum of **TWO HUNDRED THIRTY THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$239,900.00)**, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, in fee simple, all that parcel of ground situated in **Baltimore County, Maryland** and as described as follows, that is to say:

ALL THOSE lots of ground situate in Baltimore County, Maryland being known and designated as Lot Nos. 34, 35, 36 and 37, in Section F, SECOND REVISED PLAT OF CEDARCREST, recorded among the Plat Records of Baltimore County, Maryland in Plat Book CWB, Jr. No. 12, folio 31.

The improvements thereon being known as 2909 Ritchie Avenue, Baltimore, Maryland 21219.

Tax ID#: 15 15 19580210

BEING the same property which by deed dated January 13, 1966 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 4571, folio 358, was granted and conveyed by Sidney I. Fradkin, Attorney named in Mortgage unto Paul Snyder and Veronica Snyder.

The said Paul Snyder, having departed this life on or about September 30, 1982, thereby vesting title unto Veronica Snyder, surviving tenant by the entirety of Paul Snyder, deceased

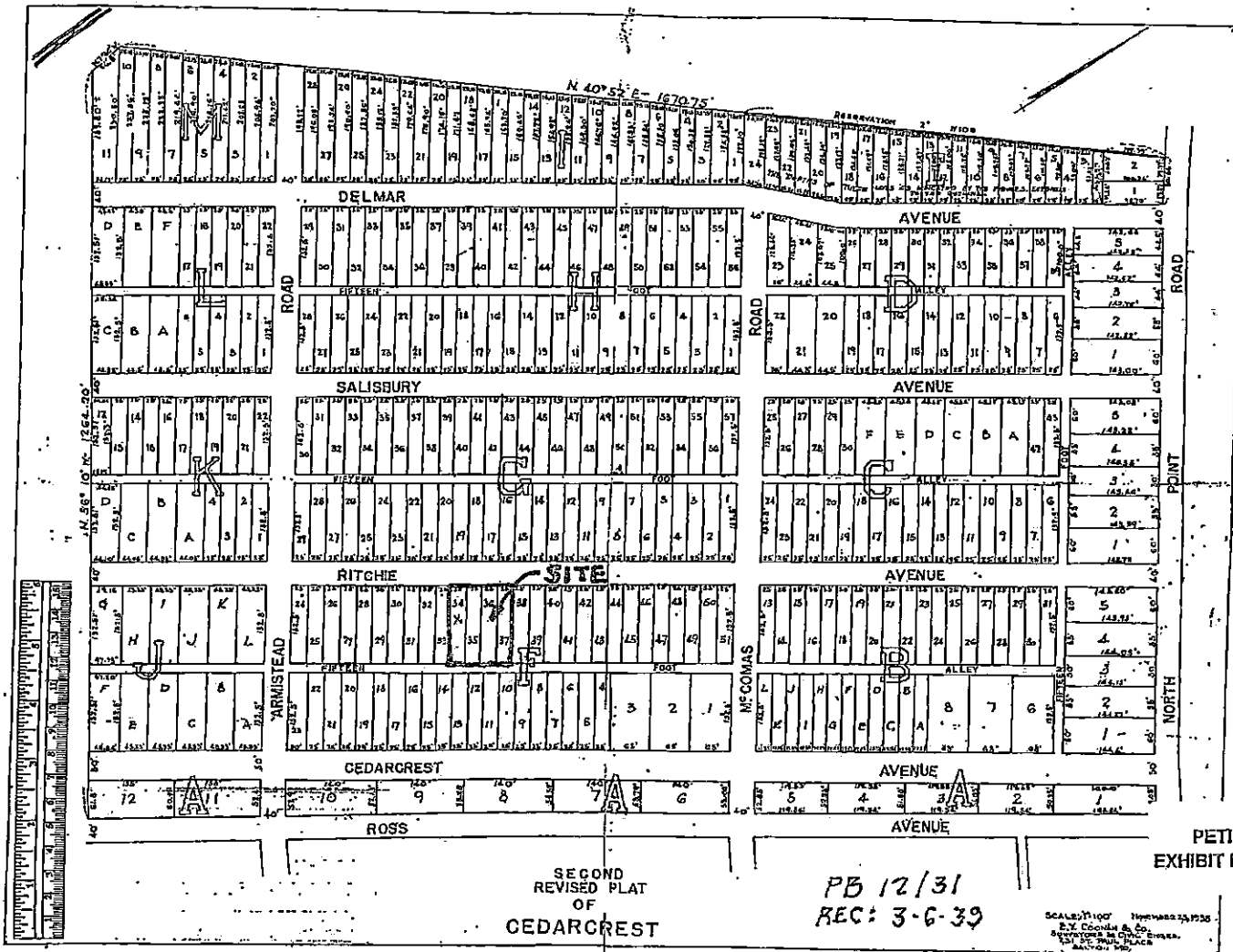
The said Veronica Snyder, having departed this life TESTATE on or about June 11, 2015, thereby vesting title unto Jacqueline A. Snyder, Personal Representative of the Estate of Veronica M. Snyder, known of record as Veronica Snyder, deceased, pursuant to Letters of Administration and probated as filed in Estate No. 184626, in the Register of Wills for Baltimore County, Maryland

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

SUBJECT TO all rights, easements, restrictions, covenants and reservations of record.

THE GRANTOR HEREBY CERTIFIES THAT THIS CONVEYANCE IS NOT PART OF A TRANSACTION IN WHICH THERE IS A SALE, LEASE, EXCHANGE OR OTHER TRANSFER OF ALL OR SUBSTANTIALLY ALL OF THE PROPERTY AND ASSETS OF THE GRANTOR.

PETITIONER'S
EXHIBIT NO. 3





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 of this data.

regard to the data implied, of merit County, Maryland but not limited to attorneys' and e from or in connection with the

**PETITIONER'S
EXHIBIT NO. 6**

PETITIONER'S
EXHIBIT NO. 6

Printed 3/73/7097



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 2909 KITCHIE AVENUE Currently zoned DR-5.5
 Deed Reference 379401296 10 Digit Tax Account # 1519580210
 Owner(s) Printed Name(s) JAMES W. & CAROL ANN MCBRIDE

(SELECT THE HEARING(S) BY MARKING X 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:

- ☒ ADMINISTRATIVE VARIANCE from Section(s)
 1802.3.C.1 TO PERMIT A SIDE YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 10 FEET FOR
 A ONE STORY ADDITION TO AN EXISTING DWELLING AND A 10 FOOT REAR YARD IN LIEU OF THE
 REQUIRED 30 FEET FOR AN EXISTING ATTACHED GARAGE

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

- 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.

If 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):

JAMES W. MCBRIDE CAROL ANN MCBRIDE

Name #1 - Type or Print Name #2 - Type or Print

James W. McBride Carol Ann McBride

Signature #1 Signature #2

2909 KITCHIE AVE. BALTO. MD.

Mailing Address City State

21219 (410) 477-2030

Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD MD

Mailing Address City State

21040 (410) 679-8719 dmb0205@yahoo.com

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 _____ day of _____, 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 2017-0220-A Filing Date 4/5/2017 Estimated Posting Date 4/16/17 Reviewer Th



Rev 5/5/2016

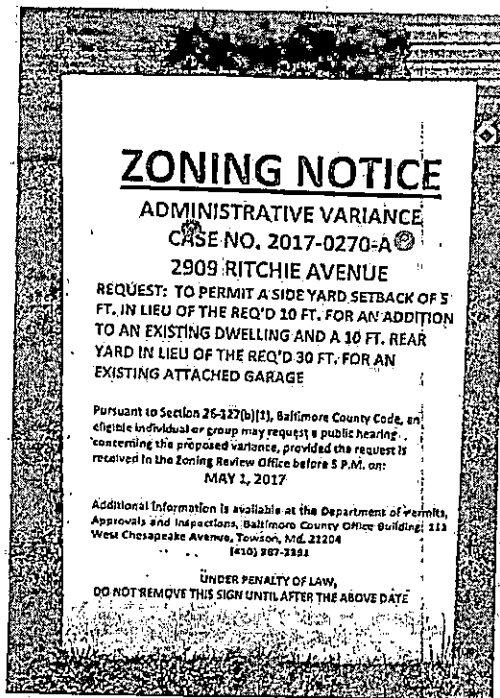
CERTIFICATE OF POSTING

Date: APRIL 15, 2017

RE: Project Name: 2909 RITCHIE AVENUE
Case Number /PAI Number: 2017-0270-A
Petitioner/Developer: JAMES AND CAROL ANN MCBRIDE
Date of Hearing/Closing: MAY 1, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2909 RITCHIE AVENUE

The sign(s) were posted on APRIL 15, 2017
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

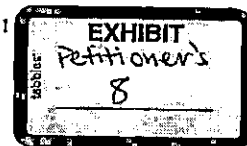
DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

11/11



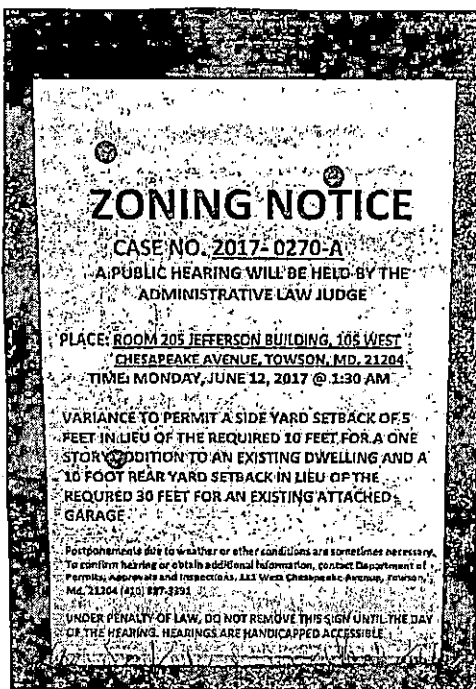
CERTIFICATE OF POSTING

Date: MAY 23, 2017

RE: Project Name: 2909 RITCHIE AVE
Case Number /PAI Number: 2017-0270-A
Petitioner/Developer: MR. AND MRS. MCBRIDE
Date of Hearing/Closing: JUNE 12, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 2909 RITCHIE AVE

The sign(s) were posted on MAY 23, 2017
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

11/11





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 4967613

Sold To:

Carol Ann McBride - CU00600416
2909 Ritchie Ave.
Sparrows Point, MD 21219-1244

Bill To:

Carol Ann McBride - CU00600416
2909 Ritchie Ave.
Sparrows Point, MD 21219-1244

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

May 23, 2017

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: # 2017-0270-A
2909 Ritchie Avenue
5219 Ritchie Avenue, Northeast of centerline of Arnstead Road
15th Election District - 7th Councilmanic District
Legal Owner: James & Carol Ann McBride
Variance: To permit a side yard setback of 5 feet in lieu of the required 10 feet for a one story addition to an existing dwelling and a 10 foot rear yard in lieu of the required 30 feet for an existing attached garage.

Hearing: Monday, June 12, 2017 at 1:30 p.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) 887-3569.
(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

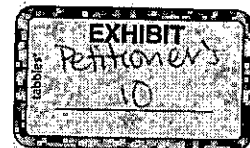
JT 5/23/17 May 23, 4967613

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising



Nick no longer
walks.
8/7/17

Celebrating 25 Years



Therapeutic Foster Care
at Kennedy Krieger Institute
Training, Treatment, Support

A compassionate
resource for children
with disabilities

Administrative Law Judge
105 West Chesapeake Avenue
Jefferson Building - Room 205
Towson, Maryland 21204
Case Number: 2017-0270-A

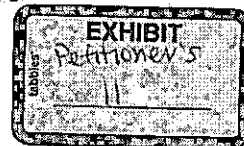
My name is Latina Hurst, Therapeutic Foster Care Social Worker at Kennedy Krieger Institute. For several years, I have had the pleasure of working with Carol and James McBride along with their foster sons, Nicholas Paulkner (34), Troy Watson (29) and Darrell Wilkinson (35). I am writing this letter in support of the McBrides as they are seeking to receive a variance on their property at 2909 Ritchie Ave Sparrows Point, Maryland 21219. From my understanding, the McBrides are requesting a variance on the aforementioned property as an effort to accommodate and care for their family. The McBrides have been foster parents in the KKI-TFC program for 30 years, as they have had Nicholas, Troy and Darrell in their home ranging from 25-30 years. All three of these young men are different with multiple and varying abilities and the McBrides continue to be steadfast in providing optimal care for each of them by adjusting and accepting their differences unconditionally. Of the three young men, Nicholas would be considered the most challenging as he presents with an abundance of special and medical needs including, but not limited to: Profound Intellectual Disability, Communication Disorder, Megaloccephaly, Attention Deficit Hyperactivity Disorder, Epilepsy, Alexander's Disease, Acrocyanosis, Lack of Coordination, and Osteoporosis. Recently, Nicholas became ill after coming down with Pneumonia and had to be hospitalized for a period of time on two separate occasions. Unfortunately, the above-mentioned medical conditions have made a negative impact on Nicholas mobility as he is now unable to walk on his own, and his additional needs are intensive. Nicholas is in need of constant physical supports when he is walking or transitioning from his wheelchair and walker. Nicholas has a strong desire to be independent, but presents with poor impulse control. At times, Nicholas refuses to wait or be helped when walking as he often moves without thinking. Nicholas can be non-compliant, not allowing the McBrides to guide and guard him when in need. Such behaviors put him at an increased risk of acquiring severe injuries as he must be supervised at all times. Therefore, it is imperative that Nicholas is in a home that is 100% handicap accessible and that there is an enclosed outside entrance that leads into the house for Nicholas to safely move about. An attachment to the aforementioned property would support such needed accommodations for the McBrides and their family, especially in regards to caring for Nicholas on a long-term basis. Consequently, the absence of not having a handicap accessible home environment makes Nicholas more prone to sustaining injuries that could be avoided by having proper accommodations available. It is important for Nicholas to continue living with the only family he knows and is attached to: that accepts him unconditionally and is willing to make reasonable accommodations to sustain his placement in a loving, caring and dedicated environment. If the McBrides are able to provide a handicap accessible home to Nicholas, his quality of life could greatly improve, especially his mobility. Otherwise, the KKI Program and the McBrides would have no other choice but to place Nicholas in a medical facility that would be fiscally burdening to the State of Maryland and their taxpayers.

Should you have any questions or need any additional information, please feel free to contact me at 443-923-3817.

Latina Hurst, LCSW
Clinical Social Worker I

cc: Service Coordination

Paula Mayske, LCSW-C
Director of Kennedy Krieger Institute
Therapeutic Foster Care Program



Google Maps 2906 Ritchie Ave

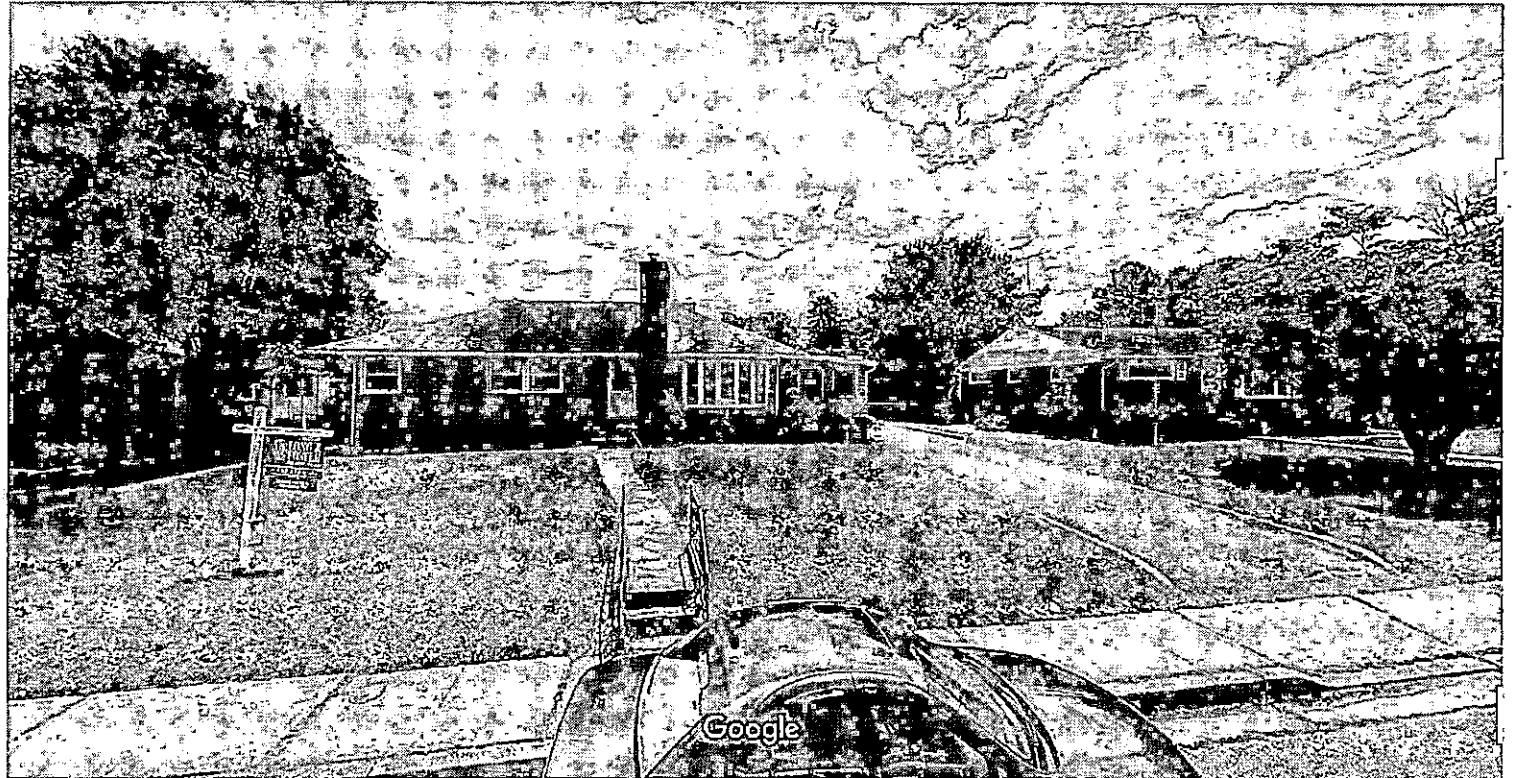
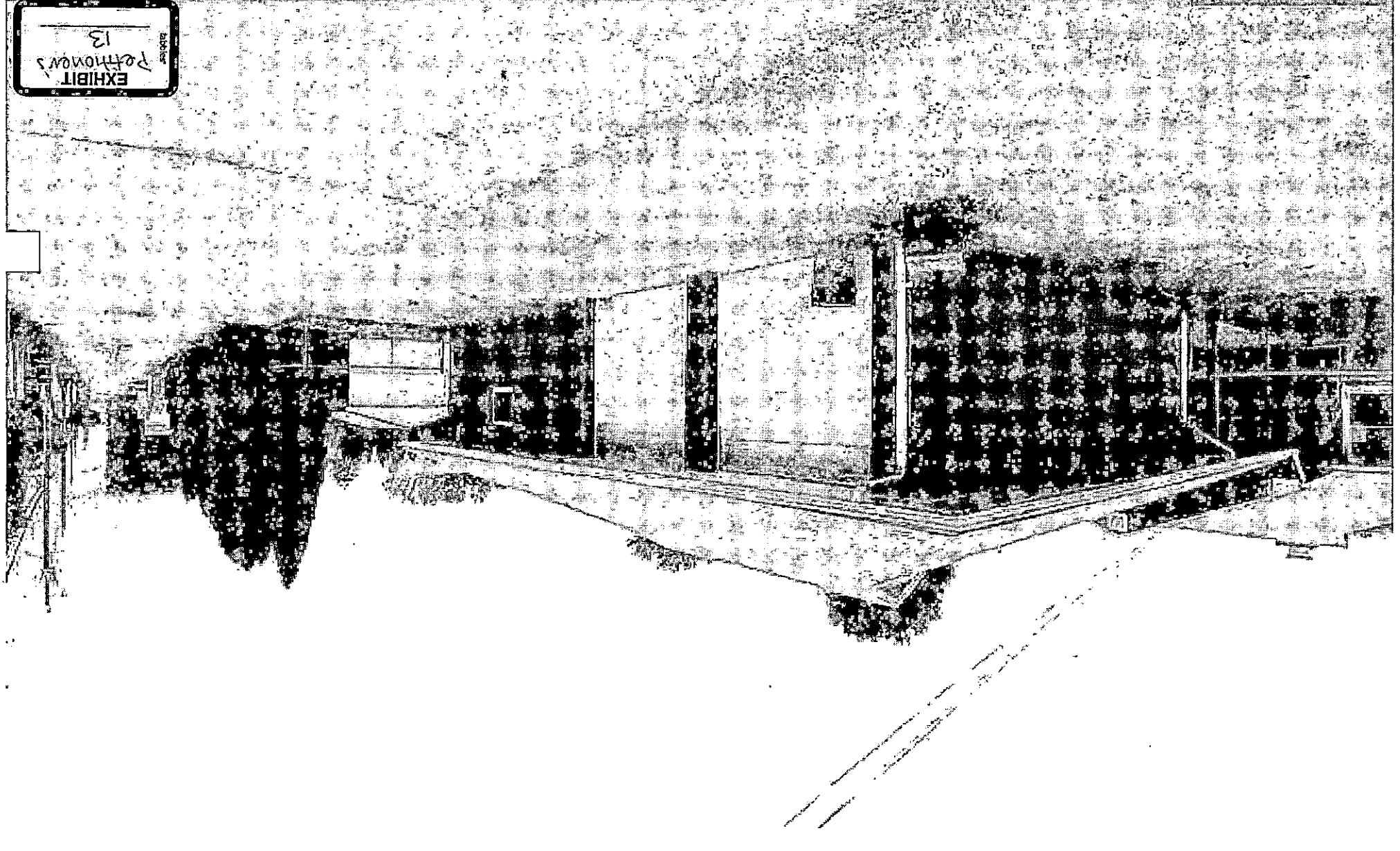


Image capture: Jul 2016 © 2017 Google United States

Edgemere, Maryland
Street View - Jul 2016



EXHIBIT
13
Potholes



Board of Appeals

Case No: 17-270-V Case Name: Protestants

Exhibit List

Party: _____ Date: 8/23/17

[illegible]

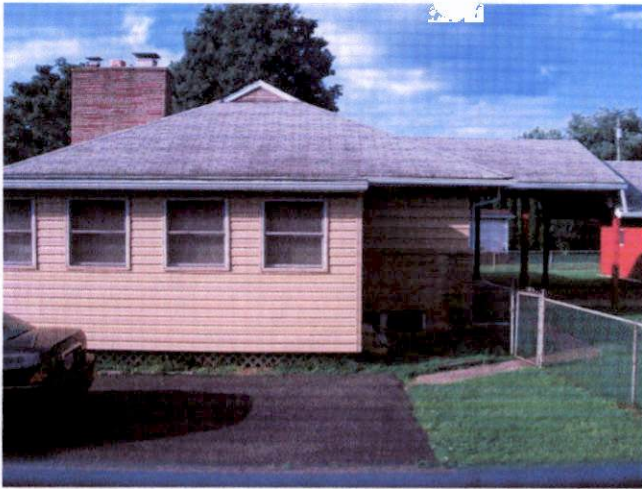


Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6

Case number: 2017-0270-A

Protestant
CBA Exhibit
1A

Exhibit 1
1A



Figure 7



Figure 8



Figure 9



Figure 10



Figure 11



Figure 12



Figure 13



Figure 14



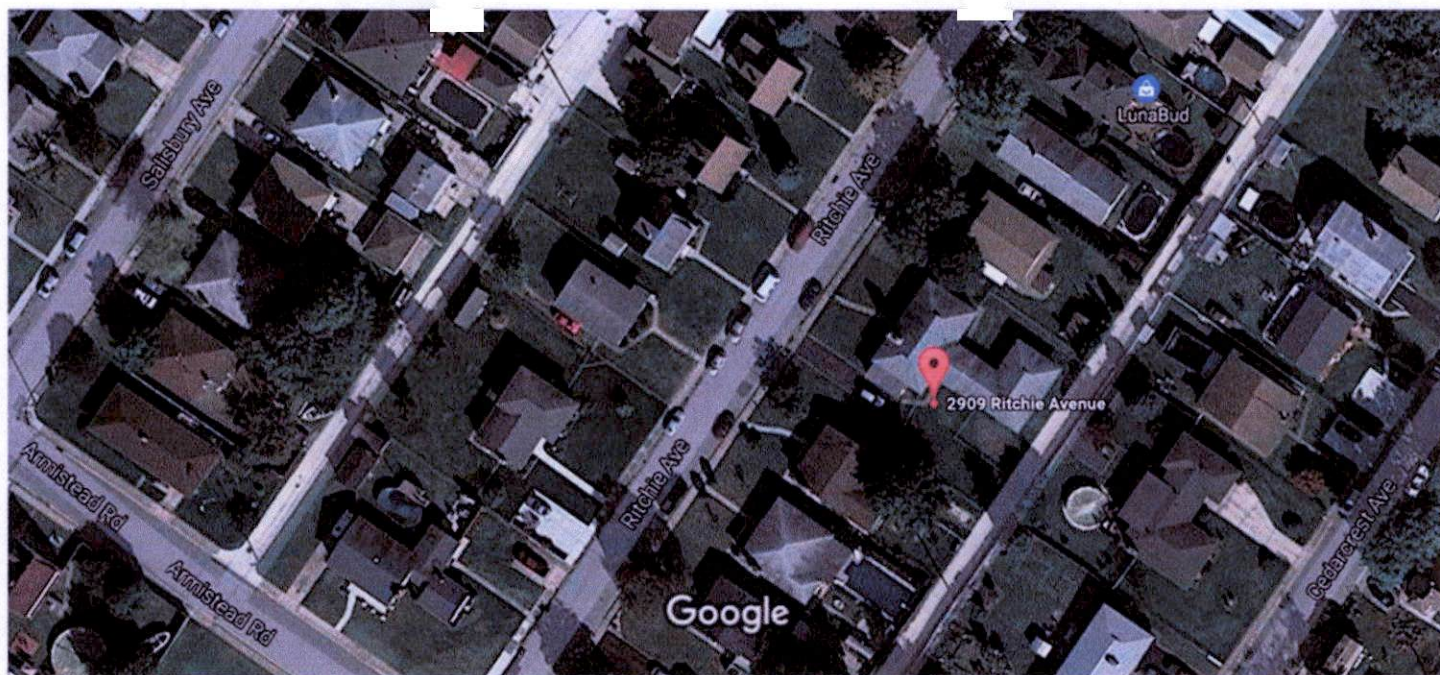
Figure 15



Figure 16

Protestant
CBA Exhibit

1C



Imagery ©2017 DigitalGlobe, U.S. Geological Survey, Map data ©2017 Google 50 ft

Figure 17



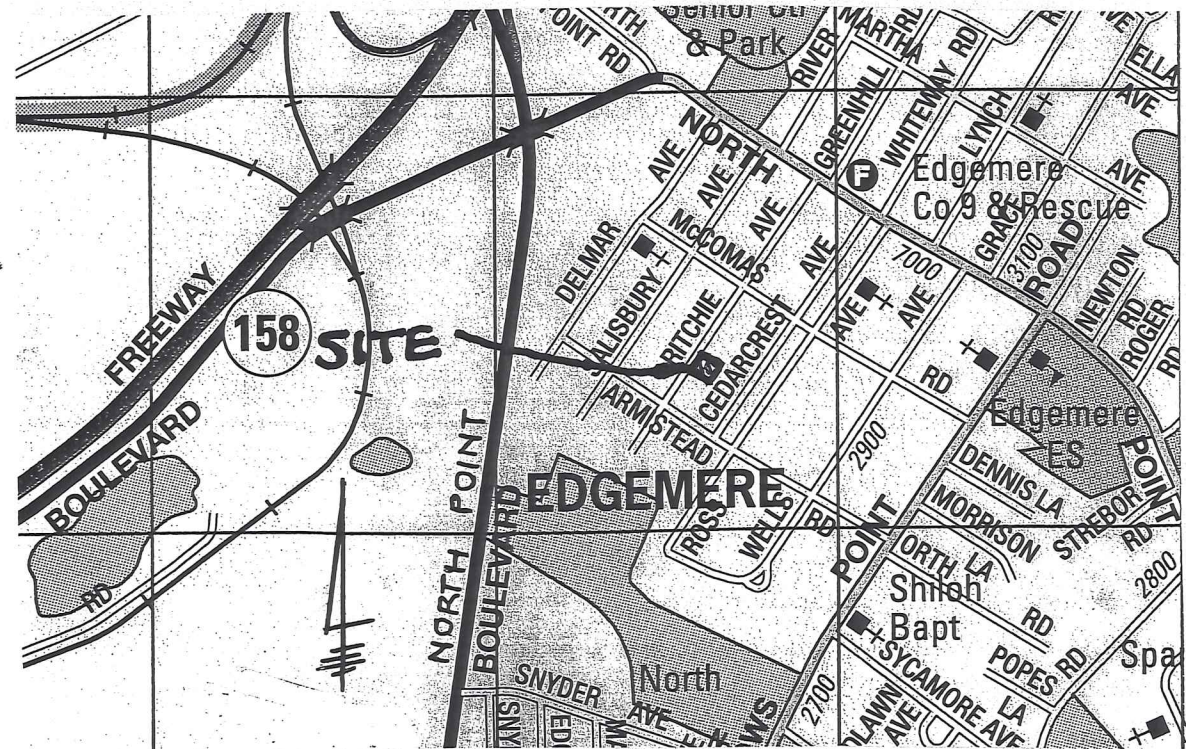
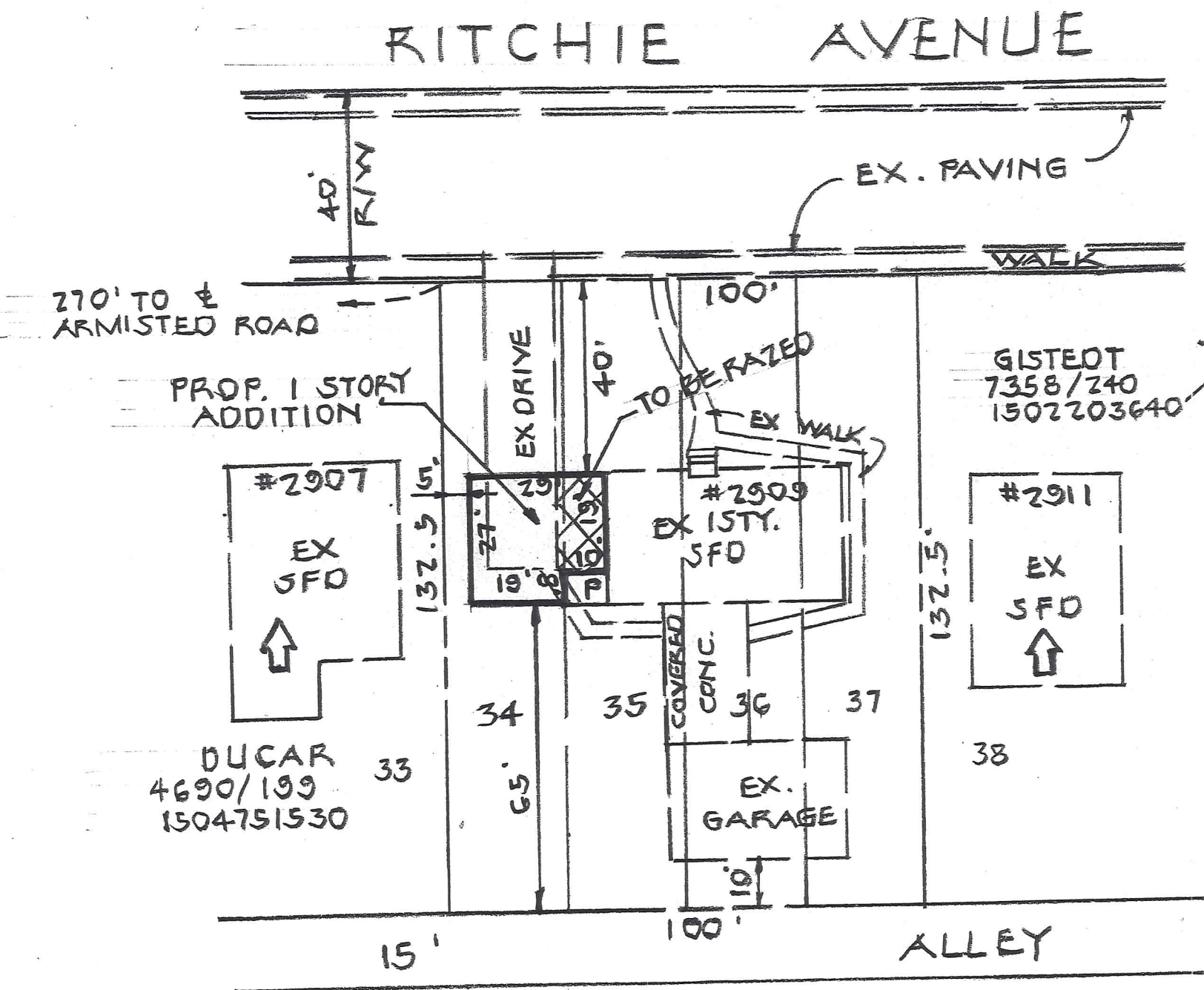
Figure 18



Figure 19

Protestant
CBA Exhibit

1D



VICINITY MAP
SCALE: 1" = 100'

OWNER

JAMES W. AND CAROL ANN MCBRIDE
2909 RITCHIE AVENUE
BALTIMORE, MD. 21219
DEED REF: L.37940 F.296
ACCT. NO. 1595800210

PETITIONER'S
EXHIBIT NO. 1

NOTES

1. ZONING.....DR 5.5. (MAP 111B1)
2. AREA.....13200 S.F. = 0.303 ACRE
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
4. SITE IS NOT LOCATED IN THE CBCA OR 100 YEAR FLOOD ZONE
5. PUBLIC WATER AND SEWER
6. NO CRITICAL AREAS, HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST

**PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE**

2909 RITCHIE AVENUE

LOTS 34-37 CEDAR CREST 12/31

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET APRIL 1, 2017

2904 2904 Ritchie A



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39°14'24.09" N 76°27'07.78" W



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39°14'23.93" N 76°27'06.78" W