

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(7738 North Point Road) *

15th Election District *

7th Council District *

James A. and Carrie L. Wright, *

Legal Owners

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0501-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of James A. and Carrie L. Wright, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve an accessory structure of 2,500 sq. ft. (50 x 50) that is larger than the principal structure on the property that is 1,785 sq. ft. In addition, a Petition for Variance was filed pursuant to BCZR §400.3 to permit a 25 ft. height for an accessory structure in lieu of the maximum permitted 15 ft. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

James Wright and Patrick Richardson of Richardson Engineering, LLC appeared in support of the requests. There were no protestants or interested citizens in attendance.¹ The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”).

¹ Five emails were received from neighborhood residents voicing opposition to the requested variance relief. However, none of these persons attended the hearing. The emails will be made a part of the file.

ORDER RECEIVED FOR FILING

Date

12/17/19

By

Sen

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Wright testified that he purchased this residential property in 2000 from the former owner of Bauer's Trucking Company. He himself currently runs a trucking business. In 2003 he was granted a variance that permits him to park a vehicle weighing in excess of 10,000 lbs. on this residential lot, provided that the vehicle is kept inside the existing garage if it is parked there overnight. (Case No. 03-265-A).² Mr. Wright testified that he wants to build the new larger garage because it is very difficult to get his tractor-trailer in the existing garage and he also wants to store additional vehicles in the new garage, which will improve the appearance of the property. He testified that he scrupulously maintains his property and that he believes the new garage will benefit the neighbors in the new development next to him. That is because the side of his existing garage that faces the neighbors' back yards is 78 feet long and the proposed garage will only be 50 feet long. As proposed the new structure will only span the rear yard of one of the neighbors. An aerial photo of the site prior to the construction of the new "Shaw's Discovery" development was admitted as Petitioners' Exhibit 2. The development plat was admitted as Petitioners' Exhibit 3 and photos of the new homes backing to the Wright's property were admitted as Petitioners' Exhibit 4.

Further, Mr. Richardson testified that in deference to the neighbors and to the comments of DOP that they will move the proposed garage an additional four feet from the side property line so that there will be a 10 foot setback from the adjoining neighbor's rear property line. The proposed structure will then be moved four feet closer to the rear property line but that lot line adjoins a forest buffer easement so there will be no impact on any residences. Mr. Wright noted

² The DOP comments state that the 2003 Variance request was denied. DOP must have been unaware that the variance was subsequently granted after a Motion for Reconsideration was filed and another public hearing was held. That Order will be made a part of the file in this case.

ORDER RECEIVED FOR FILING

Date 12/17/19
By Sen

that his existing garage was there when the new development was built, and all the new homeowners bought their homes knowing this. An architectural rendering of the proposed garage structure was admitted as Petitioners' Exhibit 5.

Based on the record evidence I believe the Petitioner is entitled to the special hearing relief. Specifically, I find that the proposed 50 foot by 50 foot garage can be built to replace the existing garage on this lot within the spirit and intent of the BCZR and without causing injury to the public health, safety or welfare. There is ample room on this lot for this proposed structure and it is not substantially larger than the existing garage.

As to the variance, it requires 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).

The lot in question fronts North Point Road and on both sides there are newer residences that back to it. The rear of the property borders a protected forest buffer. Further, the residence on this lot pre-dates the adjoining residences. Finally, there is an existing variance that allows the Petitioner to park a commercial truck in excess of 10,000 lbs. As such, the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct a garage which will house the tractor-trailer and the additional vehicles now on the site. The 25 foot height variance is necessary in order to accommodate the 14 foot garage doors on the proposed new structure. Mr. Wright testified that there will be no actual second floor in the structure. I am mindful that some of the neighbors are opposed to the variance relief but I believe that this new structure is a sensible solution to the

ORDER RECEIVED FOR FILING

Date

12/17/19

By

Sen

current vehicle storage problem. I have also considered a point made by Mr. Wright. Namely, that these new neighbors were fully aware of the existing 78' by 24' garage on his property when they bought their new homes. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this **17th** day of **December, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an accessory structure of 2,500 sq. ft. (50 x 50) that is larger than the principal structure on the property that is 1,785 sq. ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a 25 ft. height for an accessory structure in lieu of the maximum permitted 15 ft., 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.
2. Prior to the issuance of any permits a new redlined plan shall be submitted showing the new setbacks discussed above (10 feet from the side property line and 6 feet from the rear property line).
3. Petitioner shall store his tractor trailer and other commercial vehicles inside the new garage structure.
4. Petitioner shall raze and properly dispose of the existing 24' by 78' garage.

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

PMM:sln


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 12/17/19
By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7738 North Point Road which is presently zoned DR-5.5

Deed Reference 34533/288 10 Digit Tax Account # 1800011413

Property Owner(s) Printed Name(s) James A. Wright, Jr. & Carrie L. Wright

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

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

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an accessory structure of 2,500 square feet (50'x50') that is larger than the principal structure on the property. *That is 1785 sq ft*

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s) 400.3 to permit a 25' height for an accessory structure in lieu of the maximum permitted 15'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:

(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING



CASEY STINCHCOMB
Notary Public
State of Maryland
Baltimore County

My commission exp. August 7, 2021

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

James A. Wright, Jr. / Carrie L. Wright
Name #1- Type or Print Name #2 - Type or Print

Signature #1 _____ Signature #2 _____

7738 North Point Road Baltimore MD
Mailing Address City State

21219 / 443-413-4730 / jimmywright44@aol.com
Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC
Name - Type or Print

Signature _____

30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code Telephone # Email Address

CASE NUMBER 2019-0501-SPHA Filing Date 10/29/19

Do Not Schedule Dates: _____ Reviewer CP

**ZONING DESCRIPTION FOR
7738 NORTH POINT ROAD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the north side of North Point Road (60 feet wide) said point being distant 215 feet east of the centerline of Willow Avenue (30 feet wide), thence being all of the 1.00 acre lot shown on the plat entitled "Bauers' Acre" recorded among the plat records of Baltimore County in Plat Book 44, Folio 129.

Containing a net area of 43,693 square feet, or 1.00 acre of land, more or less.

2019-0501-SPHA

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, December 8, 2019 9:34 PM
To: Rick Richardson; Administrative Hearings
Subject: Recertification's For 2019-0501-SPHA
Attachments: Re-Cert 1 2019-0501-SPHA.doc; Re-Cert 2 2019-0501-SPHA.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 7738 North Point Road. Thanks.



CERTIFICATE OF POSING

2019-0501-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

James & Carrie Wright, Jr.

December 12, 2019

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

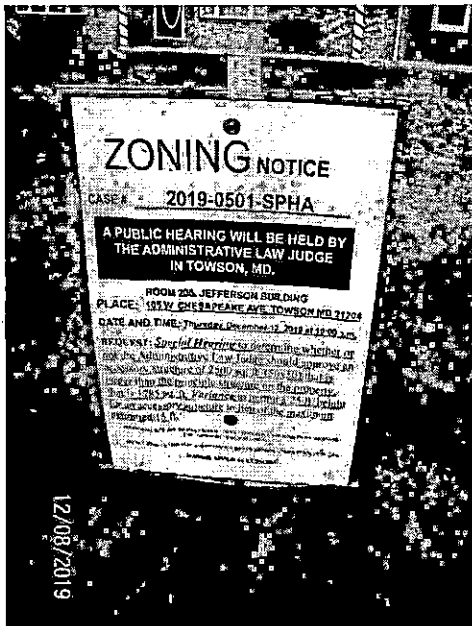
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7738 North Point Road

SIGN 1 Recertification

November 22, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 8, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508' Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CLATIFICATE OF POS'ING

2019-0501-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

James & Carrie Wright, Jr.

December 12, 2019

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

7738 North Point Road

SIGN 2 Recertification

November 22, 2019

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

December 8, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

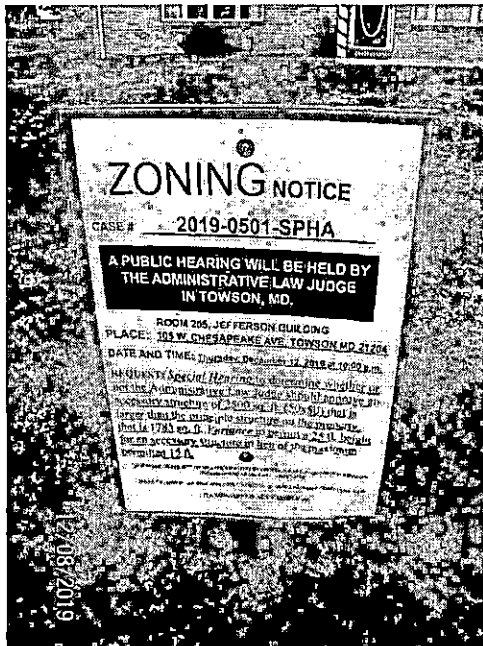
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2019-0501-SPHA

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Petitioner/Developer: _____

James & Carrie Wright, Jr.

December 12, 2019

Date of Hearing/Closing: _____

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County Office Building, Room 111
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Towson, Maryland 21204

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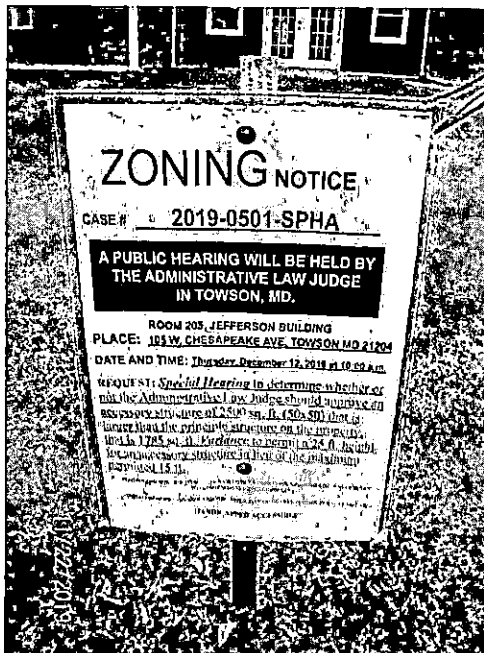
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7738 North Point Road

SIGN 1

November 22, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

November 22, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

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(Telephone Number)

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2019-0501-SPHA

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Petitioner/Developer: _____

James & Carrie Wright, Jr.

December 12, 2019

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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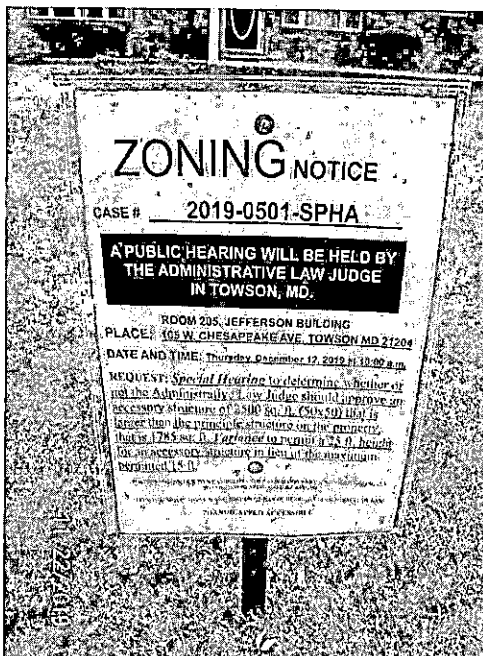
7738 North Point Road

SIGN 2

November 22, 2019

The sign(s) were posted on _____

(Month, Day, Year)



Sincerely,

 November 22, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0501-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

James & Carrie Wright, Jr.

December 12, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

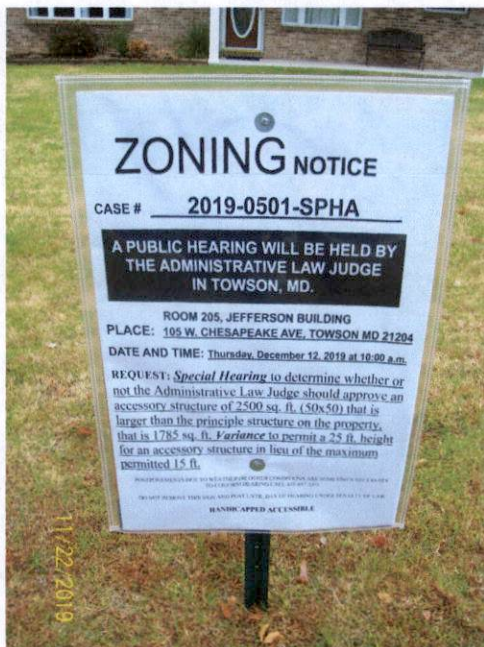
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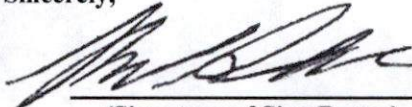
SIGN 2

November 22, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 November 22, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0501-SPHA

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Petitioner/Developer: _____

James & Carrie Wright, Jr.

December 12, 2019

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
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Towson, Maryland 21204

Attn: Kristen Lewis:

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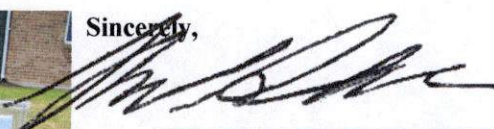
SIGN 1

November 22, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 November 22, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/22/2019

Order #: 11815783
Case #: 2019-0501-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0501-SPHA

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0501-SPHA

7738 North Point Road

N/side of North Point Road, 215 ft. east of Willow Avenue

15th Election District - 7th Councilmanic District

Legal Owners: James & Carrie Wright, Jr.

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory structure of 2500 sq. ft. (60x50) that is larger than the principal structure on the property, that is 1785 sq. ft. Variance to permit a 25 ft. height for an accessory structure in lieu of the maximum permitted 15 ft.

Hearing: Thursday, December 12, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

n22



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 12, 2019

NOTICE OF ZONING HEARING

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7738 North Point Road
N/side of North Point Road, 215 ft. east of Willow Avenue
15th Election District – 7th Councilmanic District
Legal Owners: James & Carrie Wright, Jr.

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory structure of 2500 sq. ft. (50x50) that is larger than the principal structure on the property, that is 1785 sq. ft. Variance to permit a 25 ft. height for an accessory structure in lieu of the maximum permitted 15 ft.

Hearing: Thursday, December 12, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Mr. & Mrs. Wright, 7738 North Point Road, Baltimore 21219
Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 22, 2019**
- (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.**

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
7738 North Point Road; N/S North Point Road,* OF ADMINISTRATIVE
215' E of Willow Avenue
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): James & Carrie Wright *
Petitioner(s) * BALTIMORE COUNTY
* 2019-501-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

NOV 05 2019

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of November, 2019, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30. East Padonia Road, Suite 500, Towson, Maryland 21204, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: THE DAILY RECORD
Friday, November 22, 2019 - Issue

Please forward billing to:
James Wright, Jr.
7738 North Point Road
Baltimore, MD 21219

443-413-4730

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: 2019-0501-SPHA

7738 North Point Road
N/side of North Point Road, 215 ft. east of Willow Avenue
15th Election District – 7th Councilmanic District
Legal Owners: James & Carrie Wright, Jr.

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory structure of 2500 sq. ft. (50x50) that is larger than the principal structure on the property, that is 1785 sq. ft. Variance to permit a 25 ft. height for an accessory structure in lieu of the maximum permitted 15 ft.

Hearing: Thursday, December 12, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2019 - 0501-SPHA

Property Address: 7738 NORTH POINT RD

Property Description: _____

Legal Owners (Petitioners): JAMES A WRIGHT, JR

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES A WRIGHT, JR

Company/Firm (if applicable): _____

Address: 7738 NORTH POINT RD
BALTIMORE, MD 21219

Telephone Number: 443-413-4730

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 2, 2019

Richardson Engineering LLC
30 E. Padonia Road Suite 500
Timonium MD 21093

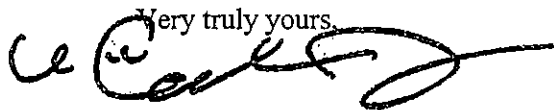
RE: Case Number: 2019-0501-SPHA, 7738 North Point Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 29, 2019. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
James A. Wright Jr. 7738 North Point Road Baltimore MD 21219

BALTIMORE COUNTY, MARYLAND

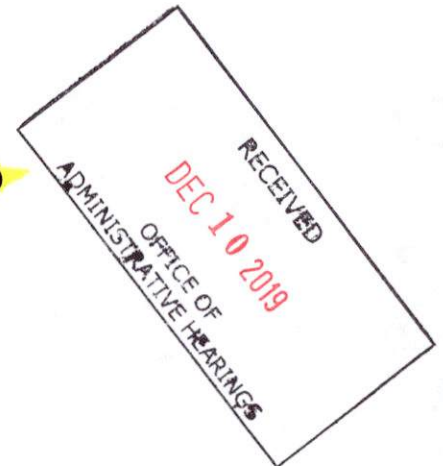
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 12/10/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS (Amended)
Case Number: 19-501



INFORMATION:

Property Address: 7738 North Point Road
Petitioner: James A. Wright, Carrie L. Wright
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing under § 500.7 of the Baltimore County Zoning Regulations (BCZR), to determine whether the zoning commissioner should approve an accessory structure of 2,500 square feet that is larger than the principle structure of 1,785 square feet. The applicant is also requesting a variance from § 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a 25 foot height for the accessory structure in lieu of 15 feet.

The site is located along North Point Road in a primarily residential area. The property is zoned D.R. 5.5 but is currently being used for commercial vehicle storage.

A site visit was conducted on November 14, 2019. There is an existing garage at the northeast corner of the property that the applicant is proposing to remove and replace with the aforementioned new garage. The property abuts the new Shaw's Discovery PUD development on the eastern edge of the property boundary.

The applicant previously sought a zoning variance in 2003 to allow a commercial vehicle in excess of 10,000 pounds on a residential property (zoning case # 2003-0265-A) which was not granted. There are currently at least three commercial vehicles located on the property. At the time of the site visit, these vehicles were located outside of the existing garages on site.

Given the residential character of the area and the proximity of the homes on the adjacent properties, the Department of Planning cannot recommend the special hearing and variance request at this time. The Department understands the need for the applicant to have garage space for these vehicles, but the currently proposed 25 foot height and 6 foot side setback would be out of proportion with the neighboring properties to the east. The Department of Planning would be willing to reconsider if the applicant comes back with a proposal with reduced height and a greater side setback for the accessory structure and documentation ensuring that vehicles will be kept in the structure as originally proposed under the zoning variance in 2003.

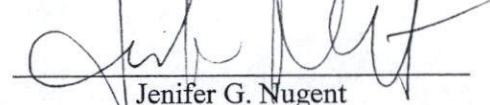
For further information concerning the matters stated herein, please contact Joseph Fraker at 410-887-3480.

Date: 11/26/2019
Subject: ZAC # 19-501
Page 2

CPG/JGN/LTM/

c: Joseph Fraker
Patrick C. Richardson, Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

Division Chief:


Jenifer G. Nugent

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 12/10/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS (Amended)
Case Number: 19-501



INFORMATION:

Property Address: 7738 North Point Road
Petitioner: James A. Wright, Carrie L. Wright
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing under § 500.7 of the Baltimore County Zoning Regulations (BCZR), to determine whether the zoning commissioner should approve an accessory structure of 2,500 square feet that is larger than the principle structure of 1,785 square feet. The applicant is also requesting a variance from § 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a 25 foot height for the accessory structure in lieu of 15 feet.

The site is located along North Point Road in a primarily residential area. The property is zoned D.R. 5.5 but is currently being used for commercial vehicle storage.

A site visit was conducted on November 14, 2019. There is an existing garage at the northeast corner of the property that the applicant is proposing to remove and replace with the aforementioned new garage. The property abuts the new Shaw's Discovery PUD development on the eastern edge of the property boundary.

The applicant previously sought a zoning variance in 2003 to allow a commercial vehicle in excess of 10,000 pounds on a residential property (zoning case # 2003-0265-A) which was not granted. There are currently at least three commercial vehicles located on the property. At the time of the site visit, these vehicles were located outside of the existing garages on site.

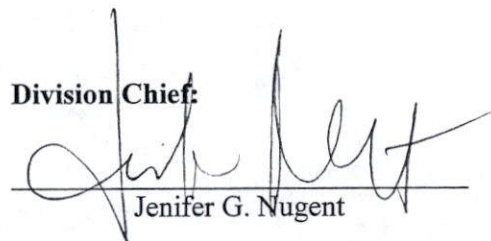
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For further information concerning the matters stated herein, please contact Joseph Fraker at 410-887-3480.

CPG/JGN/LTM/

c: Joseph Fraker
Patrick C. Richardson, Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

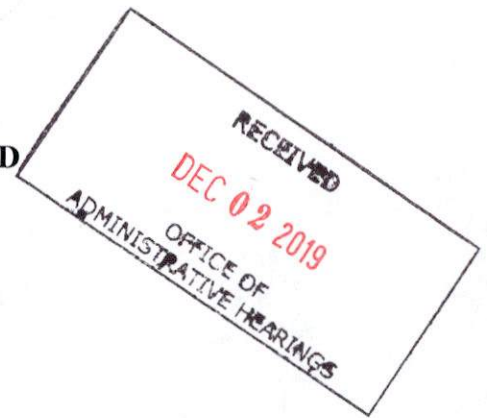
Division Chief:


Jenifer G. Nugent

12-12-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 2, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0501-SPHA
Address 7738 North Point Road
(Wright Property)

Zoning Advisory Committee Meeting of **November 1, 2019.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow a 2,500 square foot (sf) accessory structure that is larger than the principal structure on the property and to permit its proposed height of 25 feet in lieu of the maximum permitted 15 feet. It appears that the proposed structure will increase impervious surfaces on the property. Any future building permit applications and/or plans received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations and any required mitigation. In addition, mapped hydric soils are located immediately to the north of the subject property, and if wetlands are present, a Critical Area buffer would be extended onto the property, requiring compliance with the Critical Area buffer regulations. Field investigation is required. Allowing the request with this petition will minimize impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

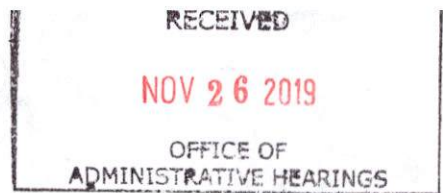
The subject property is not a waterfront property. There is not a tidal buffer projected onto the property, however, a non-tidal wetland and/or wetland buffer may be present. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements and buffer regulations, which will improve buffer functions and conserve fish habitat in proximity to nearby Back River and the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's request to allow an accessory structure is consistent with this goal, given that any future development activities will be subject to review for application of the Critical Area IDA pollutant reduction and buffer requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

12-12



BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 11/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-501

INFORMATION:

Property Address: 7738 North Point Road
Petitioner: James A. Wright, Carrie L. Wright
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing under § 500.7 of the Baltimore County Zoning Regulations (BCZR), to determine whether the zoning commissioner should approve an accessory structure of 2,500 square feet that is larger than the principle structure of 1,785 square feet. The applicant is also requesting a variance from § 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a 25 foot height for the accessory structure in lieu of 15 feet.

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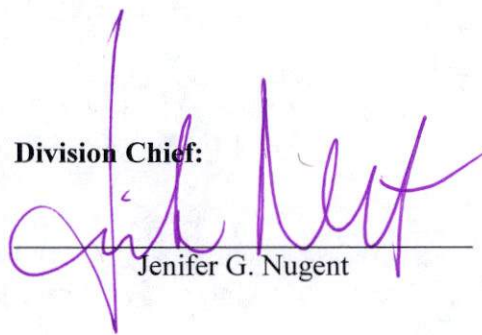
The applicant previously sought, and was granted a zoning variance in 2003 to allow a commercial vehicle in excess of 10,000 pounds on a residential property (zoning case # 2003-0265-A). There are currently at least three commercial vehicles located on the property. At the time of the site visit, these vehicles were located outside of the existing garages on site.

Given the residential character of the area and the proximity of the homes on the adjacent properties, the Department of Planning cannot recommend the special hearing and variance request at this time. The Department understands the need for the applicant to have garage space for these vehicles, but the currently proposed 25 foot height and 6 foot side setback would be out of proportion with the neighboring properties to the east. The Department of Planning would be willing to reconsider if the applicant comes back with a proposal with reduced height and a greater side setback for the accessory structure and documentation ensuring that vehicles will be kept in the structure as originally proposed under the zoning variance in 2003.

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

Date: 11/26/2019
Subject: ZAC # 19-501
Page 2

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Joseph Fraker
Patrick C. Richardson, Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 11/4/19

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

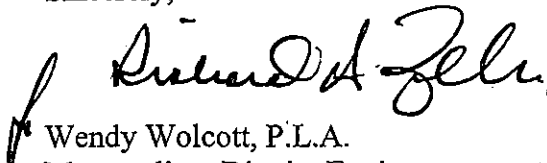
Dear Ms. Lewis:

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. 2019-0501-SPHA.

*Special Hearing, Variance
James A. Wright Jr. & Carrie L. Wright
7738 North Point Road*

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Ink
2/5

IN RE: PETITION FOR VARIANCE
N/S North Point Road, 215' E
centerline of Willow Avenue
15th Election District
7th Councilmanic District
(7738 North Point Road)

James A. Wright, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-265-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, James A. Wright, Jr. The owner of the property is requesting variance relief to allow a truck with a gross vehicle weight in excess of 10,000 lbs. to be parked on his residential lot.

Appearing at the hearing on behalf of the variance request were James Wright, owner of the property and David Billingsley, the professional engineer who prepared the site plan of the property. Appearing in opposition to the request was Harry Wujek, Jr. There were no others in attendance.

Testimony and evidence indicated that Mr. Wright owns a 1-acre parcel of property zoned D.R.5.5, located on the north side of North Point Road in Edgemere. The property is improved with an existing single-family dwelling wherein Mr. Wright lives. To the rear of the property exists a large garage. Furthermore, the Petitioner has a large driveway and parking area providing dual access to North Point Road. The details of the improvements on the property are shown on Petitioner's Exhibit No. 1, the site plan submitted into evidence.

Mr. Wright testified that he is a self-employed tractor trailer driver. He is contracted by Worthington Steel, located in Middle River, to haul steel products from Maryland to Pennsylvania. These are daily trips which do not require Mr. Wright to be away for extended

periods of time. For the most part, he leaves his property with his tractor at approximately 7:30 a.m. and returns home by 3:30 p.m. or 4:00 p.m. in the afternoon. His request is to allow the parking of the tractor portion of his tractor trailer rig. He testified that he does not bring the trailer portion of his truck to this property, but rather parks it at a trucking facility a short distance from his property. He also indicated that he has parked this tractor on his property for the past three years. Prior to that, the previous owners parked tractor trailer rigs on the property since 1979. Mr. Wright is requesting formal permission to continue to park his tractor cab on the property, at this time.

Appearing in opposition to the Petitioner's request was Mr. Harry Wujek, Jr. Mr. Wujek is opposed to the parking of a commercial tractor cab on the property, given its residential zoning. He testified that in his opinion the parking of commercial vehicles in residential neighborhoods is not appropriate and can contribute to the decline of this neighborhood. He also testified that pulling out onto North Point Road from the Petitioner's property with such a large vehicle is a dangerous proposition, given the speed and amount of traffic on North Point Road. He, therefore, is opposed to the granting of this variance relief.

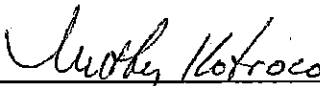
Additionally, Mr. Wujek testified that this property owner does in fact bring the entire rig home to the property on occasions and in fact the tractor and trailer were parked on the property on the day of this variance hearing. Mr. Wujek provided a photograph of the tractor trailer rig on the property into evidence.

After considering the testimony and evidence offered at the hearing, I find that the Petitioner's variance request should not be granted to allow for the permanent storage and parking of this commercial vehicle on this property. While Mr. Wright does have the support of three of his neighbors as is evidenced by the letter he submitted into evidence, the storage and

parking of these large diesel tractor cabs can have an adverse impact on the surrounding community above and beyond the neighbors who reside immediately adjacent to this property. Therefore, I believe it is not appropriate to approve of the variance request in this case.

THEREFORE, IT IS ORDERED, this 17th day of February, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 431B.1 of the Baltimore County Zoning Regulations, to allow a commercial tractor cab with a gross vehicle weight in excess of 10,000 lbs. be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

CASE NAME _____
CASE NUMBER _____
DATE 12/12/19

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

12/2/19

DEPS

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

Comment

FIRE DEPARTMENT

11/26 12/10

PLANNING

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

not recommend/

Comment

11/4

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

12-10

ADJACENT PROPERTY OWNERS

Return
to others...

Opposed

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 03-0265-A)

NEWSPAPER ADVERTISEMENT

Date: 11/22/19

SIGN POSTING (1st)

Date: 11/22/19

by SSG Black

SIGN POSTING (2nd)

Date: 12/8/19

by SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Account Identifier:		District - 15 Account Number - 1800011413			
Owner Information					
Owner Name:	WRIGHT JAMES A JR WRIGHT CARRIE LYNN		Use:	RESIDENTIAL	
Mailing Address:	7738 NORTH POINT RD BALTIMORE MD 21219-1439		Principal Residence:	YES	
			Deed Reference:	/34533/ 00288	
Location & Structure Information					
Premises Address:	7738 NORTH POINT RD BALTIMORE MD 21219-1439		Legal Description:	1 AC 7738 NORTH POINT RD BAUERS ACRE	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0044/0129
0060	0022	0101	15130117.04	0000	7732 2018
Special Tax Areas: None			Town:	None	
			Ad Valorem:	None	
			Tax Class:	None	
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1979	1,785 SF		1.0000 AC	04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
1	NO	STANDARD UNIT	BRICK/	4	2 full
Garage Last Notice of Major Improvements					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2019	07/01/2020	
Land:	83,000	83,000			
Improvements	195,500	202,600			
Total:	278,500	285,600	283,233	285,600	
Preferential Land:	0			0	
Transfer Information					
Seller: WRIGHT JAMES A JR		Date: 12/18/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34533/ 00288		Deed2:	
Seller: WRIGHT JAMES A, JR		Date: 01/29/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /19503/ 00252		Deed2:	
Seller: BAUER PAUL FREDERICK		Date: 10/19/2000		Price: \$215,000	
Type: ARMS LENGTH IMPROVED		Deed1: /14761/ 00240		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2019		07/01/2020	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Homestead Application Information					
Homestead Application Status: Approved 04/18/2014					
Homeowners' Tax Credit Application Information					

Sherry Nuffer

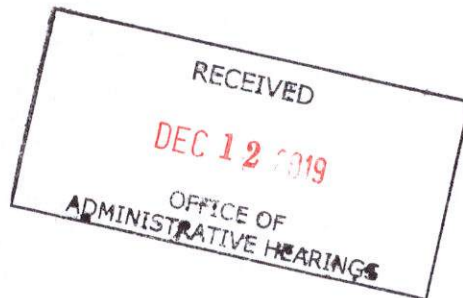
From: J <charyjs@gmail.com>
Sent: Wednesday, December 11, 2019 10:08 PM
To: Administrative Hearings
Subject: 7738 North Point Road

CAUTION: This message from charyjs@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

This is in reference to a hearing for tomorrow, 12/12, for the Wright property at 7738 North Point Road. It is my understanding that the family would like to change from residential zoning, and build a 2-story garage only 6 feet from the nearest property line.

This would also be adjacent to our neighborhood's newest, and most high-end property, Shaw's Discovery. In addition, the area is semi-rural in nature, with some of the nicest open spaces and views in Baltimore County. A two-story garage in this area would be inappropriate, and I hope that the County will not allow a re-zoning, or we may find this bucolic area further inundated with trucking and business.

Thank you,
Jennifer Nelson



Debra Wiley

From: Ashlyn Sennett <ashlynsennett@yahoo.com>
Sent: Tuesday, December 10, 2019 7:02 PM
To: Administrative Hearings
Subject: 7738 North Point Road - case #2019-0501SPHA

CAUTION: This message from ashlynsennett@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

To Whom it May Concern,

I am against giving the owners of this property (James and Carrie Wright) permission to construct a new 50x50 ft (2500 sq ft) 25ft tall building behind the group of individual, newly constructed homes in the Shaws Discovery development. This property is zoned for residential use. Please do not allow this to happen in the community!

Sent from my iPhone



Debra Wiley

From: Keeley Brown <keeleykouture@comcast.net>
Sent: Tuesday, December 10, 2019 6:40 PM
To: Administrative Hearings
Subject: 7738 North Point Road - case #2019-0501SPHA

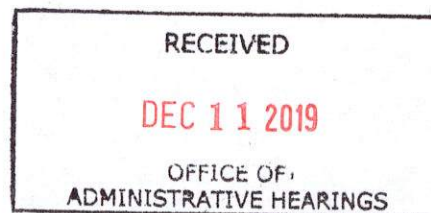
CAUTION: This message from keeleykouture@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

To Whom it May Concern,

I am against giving the owners of this property (James and Carrie Wright) permission to construct a new 50x50 ft (2500 sq ft) 25ft tall building behind the group of individual, newly constructed homes in the Shaws Discovery development. This property is zoned for residential use. Please do not allow this to happen in the community!

Thanks!

Keeley Brown



Ph 12-12-19
10Am

Debra Wiley

From: William Roth <wroth54466@aol.com>
Sent: Tuesday, December 10, 2019 1:06 PM
To: Administrative Hearings
Subject: 7738 North Point Road - Case #2019-0501-SPHA

CAUTION: This message from wroth54466@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

We are **against** giving the owners of this property (James and Carrie Wright) permission to construct a new structure that will be 50 x 50 (2500 sq.feet) and 25 feet tall behind a group of individual newly constructed homes in Shaws Discovery development. This property is zoned residential. Please do not allow this to happen!

William and Barbara Roth
7110 Martha AV
Baltimore,MD 21219

Debra Wiley

From: Jamie Lightner <lightnerjamie@ymail.com>
Sent: Wednesday, December 11, 2019 8:50 AM
To: Administrative Hearings
Subject: 7738 North Point Road - case #2019-0501SPHA

CAUTION: This message from lightnerjamie@ymail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

To Whom it May Concern,

I am against giving the owners of this property (James and Carrie Wright) permission to construct a new 50x50 ft (2500 sq ft) 25ft tall building behind the group of individual, newly constructed homes in the Shaws Discovery development. This property is zoned for residential use. Please do not allow this to happen in the community!

Thank You,
Jamie Lightner

Sent from Yahoo Mail for iPhone





PETITIONER' S

EXHIBIT NO. 4









PETITIONER'S

EXHIBIT NO. _____





PETITIONER' S

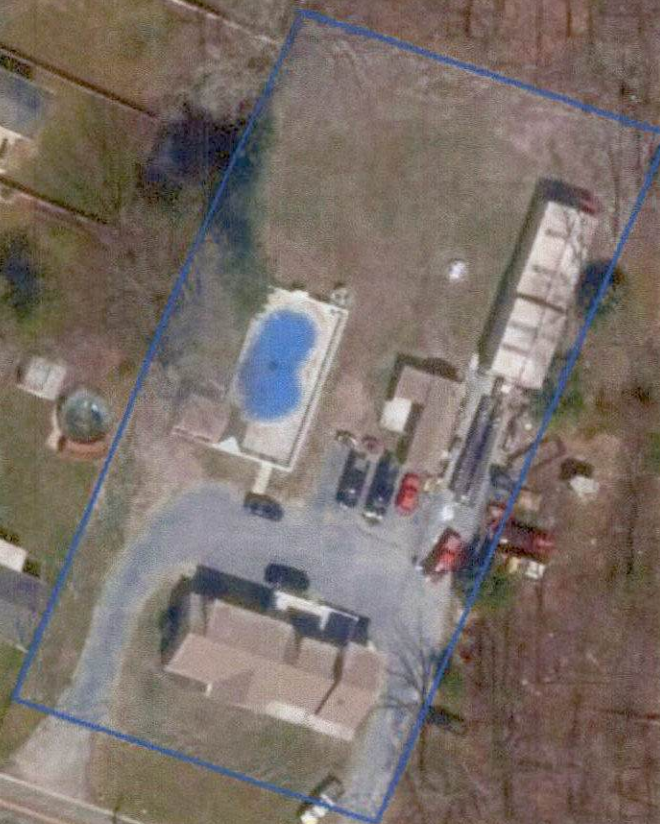
EXHIBIT NO. 5

Baltimore County - My Neighborhood



Legend

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary



PETITIONER'S

EXHIBIT NO. 2

1:1,128

0 45 90 180 Feet

December 11, 2019

Sources: Esri, HERE, Garmin, Intermap, increment P, IGN, Kadaster NL, Ordnance Survey, OpenStreetMap contributors, and the GIS User Community

5/29/03

IN RE: PETITION FOR VARIANCE
N/S North Point Road, 215' E
centerline of Willow Avenue
15th Election District
7th Councilmanic District
(7738 North Point Road)

James A. Wright, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-265-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by James A. Wright, Jr., owner of the property located at 7738 North Point Road. The Petitioner is requesting that I reconsider my previous decision issued February 19, 2003.

The request before me is a variance to allow a truck with a gross vehicle weight in excess of 10,000 lbs. to be parked on residential property. Mr. Wright originally appeared at a hearing on February 5, 2003. Thereafter, my Order dated February 19, 2003 denied the Petitioner's request for variance. A Motion for Reconsideration was filed by the Petitioner on March 13, 2003. A new public hearing was held on May 28, 2003.

Appearing at the hearing were Mr. James Wright, owner of the property, Robert Hoffman and David Karceski, attorneys at law, representing Mr. Wright, as well as many residents of the surrounding community, all of whom appeared in support of the Petitioner. No one appeared in opposition to Mr. Wright's request.

After considering the additional testimony and evidence offered by Mr. Wright on this motion and the lack of opposition at this time to his request, I find that the Motion for Reconsideration shall be granted and the variance request approved, subject to certain conditions and restrictions which shall be imposed at the end of this Order.

ORDER RECEIVED FOR FILING

Date 5/29/03

By R. J. J. J.

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

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

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

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

THEREFORE, IT IS ORDERED, this 29th day of May, 2003, by this Deputy Zoning Commissioner, that the variance request to permit the storage of a commercial vehicle on a residential lot in excess of 10,000 lbs., be and is hereby GRANTED.

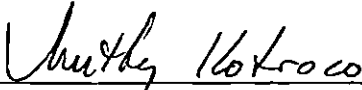
IT IS FURTHER ORDERED, that the granting of the relief herein is subject to the following conditions and restrictions:

1. The variance relief granted herein shall continue for so long as Mr. James A. Wright, Jr. owns the property. The variance relief shall not be transferable to any third party.

ORDER RECOMMENDED
Date 5/29/03
By J. P. Garrison

2. Mr. Wright shall store his commercial vehicle within the garage located on the property, in the event the commercial vehicle is kept on the property over night.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER FILED 122 MAY 29 2003
Date 5/29/03
By [Signature]

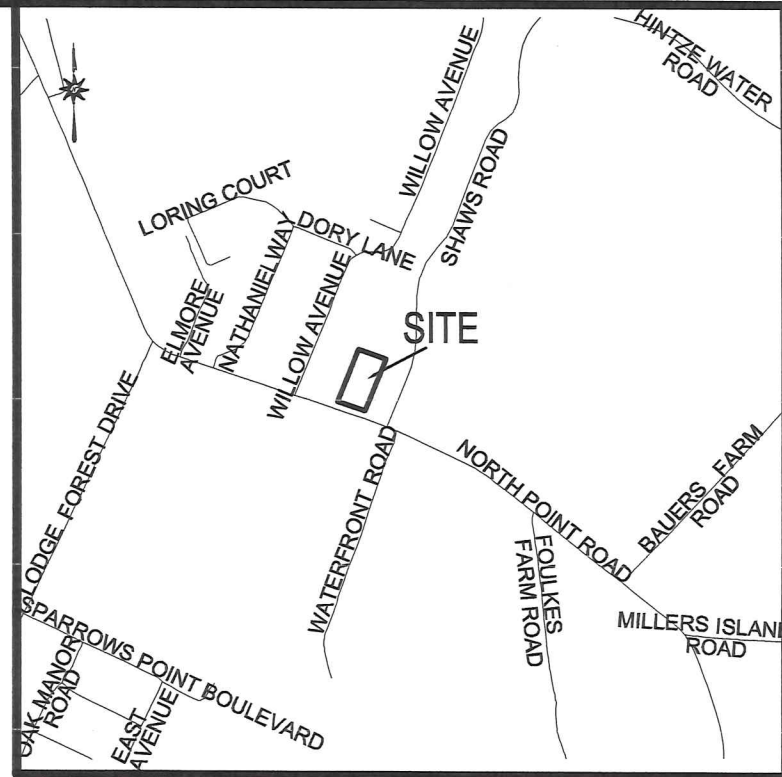
[illegible]

1. OWNER: JAMES A. WRIGHT
7738 NORTH POINT ROAD:
BALTIMORE, MARYLAND 21219
(410) 477-6351
DEED REF.- L.14761 F. 240
PROP. NO. 1800011413
2. ZONING.....D.R.5.5 (S.E.-G-I)
3. AREA.....1.00 ACRE
4. SITE IS NOT LOCATED IN THE CBCA *OR FLOOD ZONE*
5. SITE IS SERVED BY PUBLIC WATER & SEWER
6. VARIANCE IS REQUESTED FROM SECTION 431 B.1. TO ALLOW
THE GROSS VEHICLE WEIGHT FOR A COMMERCIAL VEHICLE
PARKED ON A RESIDENTIAL LOT TO EXCEED 10,000 POUNDS.

Pet 24[#]

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
7738 NORTH POINT ROAD
ELECTION DISTRICT 15,C-7
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' NOVEMBER 16, 2002**

265



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER:
JAMES A WRIGHT JR.
CARRIE LYNN WRIGHT
7738 NORTH POINT RD
BALTIMORE MD 21219-1439
- SITE AREA:
GROSS: 48,075 Sq.Ft. or 1.10 Ac.±
NET: 43,561 Sq.Ft. or 1.00 Ac.±
- EXISTING BUILDING AREA:
EXISTING HOUSE: 1,785 Sq.Ft.
EXISTING GARAGEAGE: 1,872 Sq.Ft.
PROPOSED GARAGE: 2,500 Sq.Ft.
- UTILITIES:
PUBLIC WATER
PUBLIC SEWER
- DEED REF: 34533/288
- TAX ACCOUNT: #1800011413
- COUNCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: EDMERE
- CENSUS TRACT: 4519
- WATERSHED: BACK RIVER
- EXISTING ZONING: DR 5.5 (PER 1"=200' ZONING MAP 060C3)
- TAX MAP #60, GRID #22, PARCEL #101.
- NO PRIOR PERMITS ON FILE
- THE SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100560G, DATED MAY 5, 2014.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2017)
TYPE DEFICIENT(Y/N) NOTE
WATER N -
SEWER N -
TRANSPORTATION N -
- PREVIOUS ZONING CASE ON FILE:
2003-0265-A: ADMINISTRATIVE VARIANCE TO PERMIT THE GROSS VEHICLE WEIGHT FOR A COMMERCIAL VEHICLE, PARKED ON A RESIDENTIAL LOT TO EXCEED 10,000 POUNDS GRANTED MAY 29, 2003
- SETBACKS FOR DR 5.5 ZONE
TYPE REQUIRED PROVIDED
FRONT 32' 32'±
SIDE 10' 33'±
REAR 30' 228'±

PETITIONER'S

EXHIBIT NO. 1

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR WRIGHT RESIDENCE

7738 NORTH POINT ROAD
BALTIMORE COUNTY
15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

PETITIONER'S

EXHIBIT NO. 1

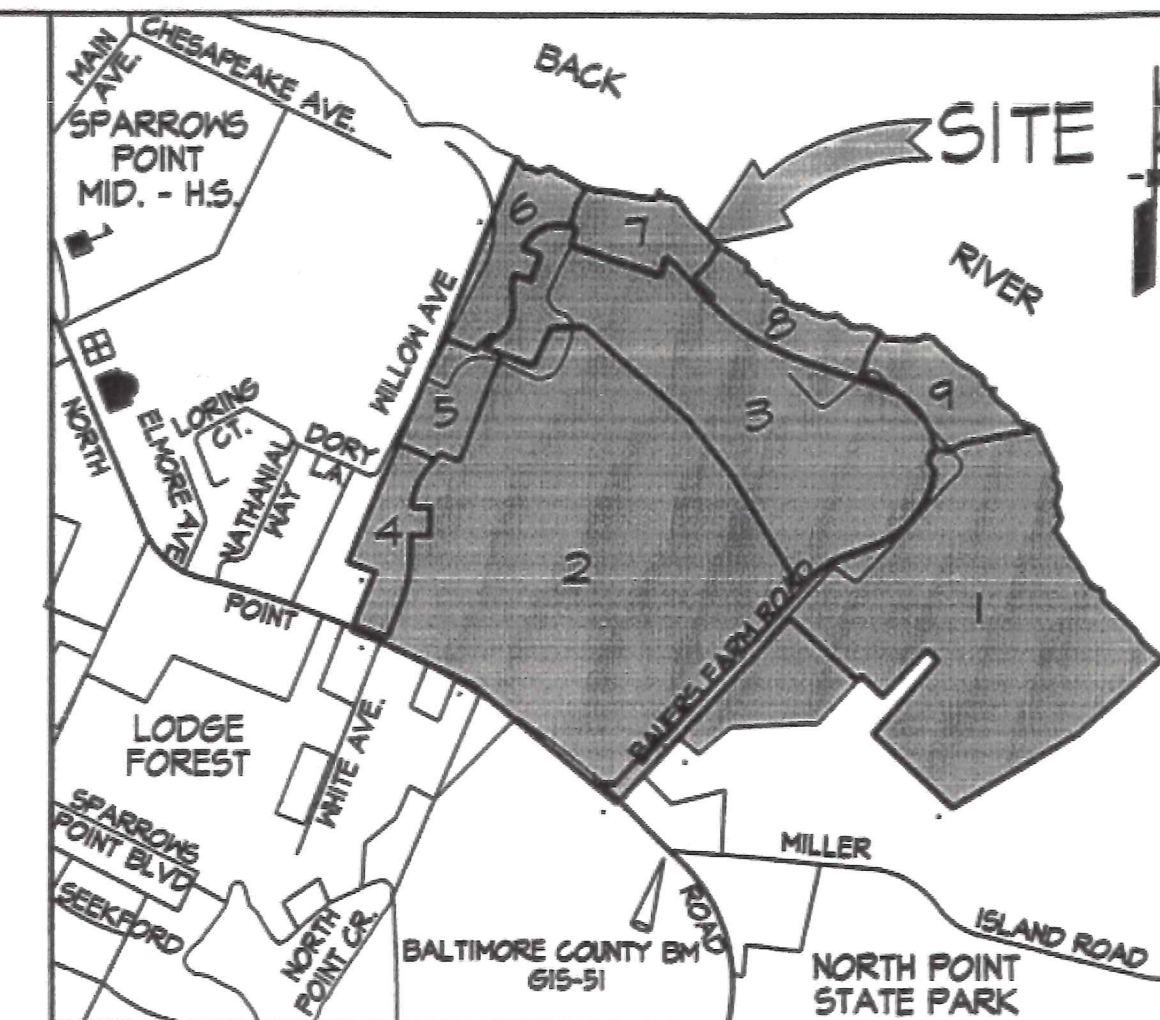
REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
12-12-19 PLANNING COMMENTS	LNR	PCR	1" = 20'
DATE:	JOB NO.:	SHEET NO.:	
10-22-19	19158	1 OF 1	

COORDINATE TABLE		
NO.	NORTHING	EASTING
208	571475.0586	1471931.8299
251	571068.9416	1471763.0470
318	571022.2082	1471806.0599
402	570732.9382	1471822.8102
432	570743.7869	1471790.3423
465	571602.0922	1472005.3339
466	571623.2618	1472184.0772
467	571328.7954	1472090.2518
468	571329.2083	1472060.2547
471	571112.2416	1472184.0772
472	570846.3144	1472033.4211
473	571112.6548	1472057.2742
474	571037.7666	1472042.1094
475	570879.5282	1471965.6738
476	570703.2424	1471906.2280
496	571360.7782	1472091.9908
497	571359.4189	1472190.6828
498	571215.4335	1472188.7011
499	571216.8097	1472088.7106
532	570755.2947	1471916.3232
533	571061.1791	1472024.3344
534	571403.9428	1472030.0673
535	570996.5532	1471934.6093
6161	571690.8706	1472021.6717

DEDICATION TABLE		
TYPE OF CONVEYANCE	NO.	TOTAL AREA
STORM WATER MANAGEMENT EASEMENT	2	0.3667 AC
BALTIMORE COUNTY ACCESS EASEMENT	1	0.9299 AC
DRAINAGE & UTILITY EASEMENT	1	0.2571 AC

GENERAL NOTES

- THE OWNER HEREBY RESERVES AND OFFERS FOR DEDICATION TO BALTIMORE COUNTY ALL SUCH RIGHTS OF WAY AND PROPERTY INTERESTS OF ANY KIND DESIGNATED HEREIN OR OTHERWISE REASONABLY DETERMINABLE TO BE INTENDED FOR DEDICATION TO BALTIMORE COUNTY (THE "PROPERTY INTERESTS"). THE PROPERTY INTERESTS MAY INCLUDE, BUT ARE NOT LIMITED TO, HIGHWAYS AND HIGHWAY WIDENINGS, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, RIGHT LINE EASEMENTS, FIRE SUPPRESSION EASEMENTS, FOREST CONSERVATION AREAS IN FEE OR EASEMENT, ACCESS EASEMENTS, FOREST BUFFER AREAS IN FEE OR EASEMENT, CRITICAL AREA EASEMENTS, LOCAL OPEN SPACE, GREENWAY AREAS IN FEE OR EASEMENT, STORM WATER MANAGEMENT AREAS, CONSERVANCY AREAS, AND ANY OTHER SIMILAR RIGHTS OF WAY OR PROPERTY INTERESTS, NO MATTER HOW ENTITLED, EXCEPT FOR THOSE INDICATED AS PRIVATE. THE OWNER SHALL CONVEY SAID PROPERTY INTERESTS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST TO BALTIMORE COUNTY. THE OBLIGATION TO CONVEY SAID PROPERTY INTERESTS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, THE OWNER'S PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS. UPON FINAL APPROVAL OF THIS PLAT BY THE REQUIRED GOVERNMENTAL AUTHORITIES, AND UNTIL SUCH TIME AS SAID CONVEYANCE IS ACCEPTED BY BALTIMORE COUNTY, THE OWNER AUTHORIZES BALTIMORE COUNTY, ITS AGENTS AND ASSIGNS, TO ENTER UPON THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING AND REPAIRING ROADS, UTILITY LINES AND FACILITIES, AND STORM WATER MANAGEMENT PONDS AND FACILITIES, AND FOR OTHER PUBLIC PURPOSES AS REASONABLY NECESSARY. THE PROPERTY SHOWN HEREON SHALL BE SUBJECT TO THE RIGHTS OF BALTIMORE COUNTY IN AND TO THE PROPERTY INTERESTS.
- THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE, SECTION 32-4-273.
- THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
- THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT.
- THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.
- THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS A RESULT OF THE INTERPRETATION ONLY, OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY.
- THIS SITE IS LOCATED IN THE LYNCH COVE AND BULLNECK CREEK SEWERSHED.
- TOTAL AREA OF PLAT: 222161 SQ. FT. OR 5.1001 AC.
AREA OF RIGHT OF WAY: 40504 SQ. FT. OR 0.9299 AC.
AREA OF HIGHWAY WIDENING: N/A
AREA OF LOTS: 81563 SQ. FT. OR 1.8724 AC.
AREA OF CRITICAL AREA EASEMENT: N/A
AREA OF STORM WATER MANAGEMENT EASEMENT: 15973 SQ. FT. OR 0.3667 AC.
AREA OF H.O.A. COMMON AREA: 100087 SQ. FT. OR 2.2977 AC.
AREA OF OPEN SPACE: N/A
AREA OF FLOODPLAIN: N/A
- THE APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE WHICH IS PLANNED FOR THE DEVELOPMENT WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE COMPLETED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.
- DESIGN AND DRAWING BASED ON MARYLAND STATE GRID SYSTEM AND DATUM.
HORIZONTAL - NAD 83/91, VERTICAL - NAVD 88.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE CRITICAL AREA EASEMENT, FOREST CONSERVATION EASEMENT, FOREST BUFFER EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- ANY FOREST CONSERVATION EASEMENT AND BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- ANY CRITICAL AREA EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- ALL AREAS WITH H.O.A. DESIGNATION SHALL BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION.
- THE 1ST REFINED PLD-C DEVELOPMENT PLAN FOR THIS PROPERTY SHOWN ON THIS PLAT WAS APPROVED ON 01/08/2019.
- TAX ACCT. # 1502000980
- TAX MAP 111, GRID 12, PARCEL 91
- DEED REFERENCE: LIBER 19572, FOLIO 654
- OWNERS OF LOTS CONTAINING STORM WATER MANAGEMENT EASEMENTS / DRAINAGE AND UTILITY EASEMENTS SHALL GRANT TO AUTHORIZED BALTIMORE COUNTY PERSONNEL A RIGHT OF ENTRY FOR THE PURPOSE OF INSPECTION AND/OR MONITORING SITE VISITS. SAID INSPECTION AND/OR MONITORING VISITS SHALL ONLY BE CONDUCTED DURING NORMAL BALTIMORE COUNTY WORKING HOURS FROM 8:00 A.M. TO 4:00 P.M. MONDAY THROUGH FRIDAY.
- THE ROADS AND STORM DRAINS Laid OUT ON THIS PLAT HAVE BEEN DESIGNED BY A PROFESSIONAL ENGINEER, MATTHEW SICHEL *28935.
- STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY AND ARE NOT INTENDED TO BE A DEDICATION TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
- THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ACCORDING TO PREVENT EROSION OR SLOPING OF ANY STEEP SLOPES AS DEFINED BY SECTION 32-4-101 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL TOPOGRAPHIC FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
- FOR DENSITY CALCULATIONS FOR THE ENTIRE DEVELOPMENT, SEE PLAT 1 OF 9.



VICINITY MAP

SCALE: 1"=1000'

ROADS NOTE

SHAW'S ROAD IS A PRIVATE ROAD TO BE OWNED AND MAINTAINED BY THE HOA. THE RIGHT-OF-WAY IS ALSO TO BE DEDICATED TO BALTIMORE COUNTY AS AN ACCESS EASEMENT FOR COUNTY ACCESS TO THE DEVELOPMENT.

OWNER / DEVELOPER

MCS EDMERE LLC
28 WALKER AVENUE
BALTIMORE, MD 21208
410-653-4600

Filed for record

JLE LIBER 79 FOLIO 507

Date JAN 30 2015

Test:

Jolie Enson
Clerk

JLE
79-507

PLAT 4 OF 9
SHAW'S DISCOVERY

15TH ELECTION DISTRICT
SCALE: 1"=50'

BALTIMORE COUNTY, MARYLAND
NOVEMBER 5, 2014

PETITIONER'S

EXHIBIT NO. 3

PLAT NO. 15-888

KCI TECHNOLOGIES
936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

COMPUTED: R.L. CRIST DRAWN: M. WALUNAS CHECKED: R.L. CRIST J.O. 2713343

CURVE DATA TABLE									
NO.	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BEARING	NO.	DELTA	TANGENT
C1	39° 26' 47"	141.61'	271.95'	395.00'	266.61'	S25° 09' 33" W	C5	44° 05' 37"	159.97'
C2	21° 19' 05"	138.04'	272.90'	733.45'	271.33'	S11° 26' 51" W	C6		
C3	4° 18' 21"	76.31'	152.56'	2030.00'	152.52'	N69° 30' 06" W			
C4	21° 19' 05"	38.87'	76.85'	206.55'	76.41'	N16° 26' 51" E			
C5	44° 05' 37"	172.12'	327.07'	425.00'	318.09'	N22° 50' 07" E			
C6						S22° 50' 07" W			

LEGEND

STORM WATER MANAGEMENT EASEMENT AREA
SITE PROPERTY LINE
25' MBSL MINIMUM BUILDING SETBACK LINE

NOTE:
COORDINATES AND BEARINGS shown on this plat are referenced to the Maryland State Grid System (NAD 83/91) and were derived by using GPS from the following Baltimore County Survey Control Points:
GIS 51 (2005)
N 569552.517 E 1473454.766 ELEV. = 21.31
GIS 52 (2005)
N 574839.582 E 1467447.830 ELEV. = 15.79

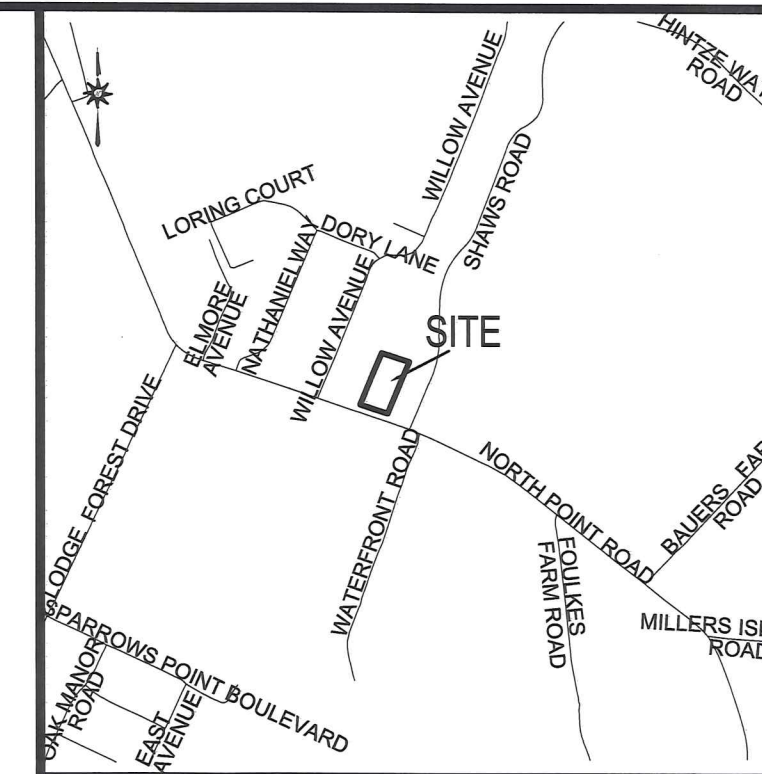
OWNER'S CERTIFICATE
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAVE BEEN COMPLIED WITH, INsofar AS SAME CONCERN THE MAKING OF THIS PLAT AND SETTING OF THE MARKERS.
OWNER: MCS EDMERE LLC
TITLE:
DATE: 1/30/15

NOTE: I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE SHAW'S DISCOVERY 1ST REFINED DEVELOPMENT PLAN DATED 01/08/2019 AND HAVE PREPARED WITH DUE DILIGENCE THIS PLAT PURSUANT TO THAT APPROVED SHAW'S DISCOVERY DEVELOPMENT PLAN.
SURVEYOR'S CERTIFICATE
THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN Laid OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS THE SETTING OF THE MARKERS.
CHARLES A. PHILLIPS, JR.
REGISTERED PROPERTY LINE SURVEYOR: No. 463
EXPIRES: 12/31/15
DATE: 1/30/15



APPROVED BY THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS PURSUANT TO SECTION 32-4-272 BALTIMORE COUNTY CODE
DATE: 1/30/15
DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS
APPROVED:
DATE: 1/30/15
DIRECTOR DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY

PWA COMPLETED: 1/15/01
ZONING: A-18a 01/29/15
DEV. DESIGN: DATE: 1/30/15
STREETS, NUMBERING: 1/30/15
DEV. ENGINEER: Q.B.K. 1/30/15
REAL ESTATE COMPLIANCE: 1/30/15
REC. & PARKS: DATE FOR JUNE 11/14/15



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER:
JAMES A WRIGHT JR
CARRIE LYNN WRIGHT
7738 NORTH POINT RD
BALTIMORE MD 21219-1439
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NET: 43,561 Sq.Ft. or 1.00 Ac.±
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Richardson Engineering, LLC

30 East Padonia Road, Suite 500
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PLAN TO ACCOMPANY ZONING PETITION
FOR
WRIGHT RESIDENCE

7738 NORTH POINT ROAD

BALTIMORE COUNTY
15TH ELECTION DISTRICT

7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
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	DATE:	JOB NO.:	SHEET NO.:
	10-22-19	19158	1 OF 1

2019-0501-SPHA