IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE	*	BEFORE THE
S/S Cold Spring Road, 100 ft. +/- W of Chesapeake Avenue	*	ZONING COMMISSIONER
1027 Cold Spring Road	*	OF BALTIMORE COUNTY
15th Election District		
5th Councilmanic District	*	Case No. 97-377-SPHA
W. Howard Ayres, et ux, Petitioners		

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property located at 1027 Cold Spring Road, in the Middle River community of Baltimore County. The Petition was filed by W. Howard Ayres and Marsha L. Ayres, his wife, property owners. Special hearing relief is requested to approve and confirm the density for an area not being affected by the replacement of an existing dwelling. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 4.5 ft. and 8 ft., in lieu of the required 50 ft. The Petition for Variance also seeks other relief as may be necessary, pursuant to Section 304 of the BCZR. All of the requested relief and subject property are more particularly shown on the site plan, received into evidence as Petitioners' Exhibit No. 1.

Appearing and testifying at the requisite public hearing held for this case were W. Howard Ayres and Marsha L. Ayres, property owners/-Petitioners. There were no Protestants or other interested persons present.

The subject property is a water front lot located adjacent to Cold Spring Road and Middle River/Galloway Creek in the Bowleys Quarters section of Baltimore County. Apparently, the Ayres family has owned the subject property, as well as other nearby lots for many years. In fact, Mr. Ayres indicated that members of his family live in the vicinity,

ORDER RECEIVED FOR FILING
Date 4/29/97
By

including immediately next door at 1023 Cold Spring Road. The subject property is known as 1027 Cold Spring Road and is 50 ft. in width and approximately 200 ft. in depth. The property is zoned R.C.5. It is presently improved with an existing 1-1/2 story family dwelling, which is approximately 60 years old. The property also features a detached garage, which is immediately adjacent to Cold Spring Road. Apparently, the house, although occupied, is in need of repair due to its age. Rather than undertake these repairs which would be quite costly, the Petitioners have decided to raze the dwelling and construct a single family house in its place. The proposed new dwelling will be essentially in the same building footprint as the old dwelling and elevation drawings were submitted which describe the new structure. It is of note that these dwellings have been submitted to the Office of Planning, pursuant to the requirements of Section 304 and have been approved as appropriate for the neighborhood. During the period of construction, the Petitioners will reside in the dwelling on the property immediately next door at 1023 Cold Spring Road. That property is also owned by Mr. and Mrs. Ayres, however, presently occupied by other members of their family.

Information within the file also demonstrates that this is an older water front community in Baltimore County. As is the case with many such communities, the building lots were laid out many years ago, prior to the adoption of the BCZR. The subject property and other lots are each 50 ft. wide, below the minimum required by the BCZR. Moreover, in view of the property's zoning classification (R.C.5) the Petitioners cannot meet the setback requirements. Those setback regulations require a side yard setback of 50 ft. Obviously, this setback cannot be met in that the property itself is only 50 ft. wide.

Based upon the testimony and evidence presented, all of which is uncontradicted, I am persuaded to grant the zoning relief which is being requested. The construction of a new dwelling to replace the old represents an upgrade to the property and neighborhood. No additional dwelling units are being proposed and the property is not being subdivided. In my judgment, the Petition for Special Hearing should be granted in that it is clear that no additional "density" is being utilized.

The Petition for Variance will also be granted. Obviously, given the dimensions and size of the lot, the side yard setbacks cannot be maintained. The proposed setbacks are reasonable and in keeping with the existing structure and neighborhood. I find that the Petitioners have satisfied the requirements of Section 307 of the BCZR.

Notwithstanding the grant of this relief, same shall be conditioned by several restrictions. In that this is a waterfront lot, the Chesapeake Bay Critical Area Regulations apply, as do the floodplain regulations. The Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and Development Plans Review Division shall be incorporated.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29TH day of April 1997 that, pursuant to the Petition for Special Hearing, approval to confirm that the density for an area is not being affected by the replacement of an existing dwelling, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of

ORDER RECEIVED FOR FILING
Date 4/29/97
By

4.5 ft. and 8 ft., in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that a variance Section 304 of the BCZR also seeks other relief as may be necessary, be and is hereby GRANTED; subject, however, to the following restrictions:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
>
> 2. The Petitioners shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division, dated March 24, 1997, (copy attached) which are adopted in their entirety and made a part of this Order.
>
> 3. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management (DEPRM) as set forth in their comments dated March 26, 1997, attached hereto and made a part thereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date _____
By _____

GEORGE HAYNES and CHRISTINE HAYNES Plaintiffs	* *	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
v.	*	
HOWARD AYRES and MARSHA AYRES Defendants	* *	CASE NO. C-98-9491

ORDER

The above entitled matter having come on for hearing on the Request for Preliminary Injunction filed by George Haynes and Christine Haynes, Plaintiffs, and the Plaintiffs and the Defendants, Howard Ayres and Marsha Ayres, having appeared and all parties being represented by counsel, and an agreement having been made in open court on September 24, 1998, which agreement all parties requested be incorporated in an order to be passed, now, therefore, it is this 23 day of September, 1998, by the Circuit Court for Baltimore County, ORDERED:

1) That the Plaintiffs' Request for Preliminary Injunction is withdrawn pursuant to the agreement reached in open court on September 24, 1998; and

2) That the Defendants shall cease further construction in the approximate 23-28 ft. area from the bump-out to the water end of the Defendants' home as shown on the photograph attached hereto and made a part hereof, excepting installation of windows and the brick around the windows in the area depicted beneath the scaffolding on the aforesaid photograph, and construction of an approximate 4ft. x 4 ft. over-hang roofing over the aforesaid window area and, at Defendant's sole risk, construction of a concrete deck on the porch from the house wall to the existing brick wall, pending a final zoning decision on the issue of further construction in the approximate 23-28 ft. side porch area; and

3) That this Agreement and Order are without prejudice to any party regarding any hearing on the merits in this case.

JAMES T. SMITH, JR.
JUDGE

JTS/ss
Copy: Michael Tanczyn, Esq.
Robert E. Cahill, Jr., Esq.
Court file

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

April 28, 1997

Mr. and Mrs. W. Howard Ayres
1027 Cold Spring Road
Baltimore, Maryland 21220

RE: Petitions for Special Hearing and Variance
Property: 1027 Cold Spring Road
Case No. 97-377-SPHA

Dear Mr. and Mrs. Ayres:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
c: John J. Fedas, Sterling Design Group, Ltd.
326 First St., Annapolis, Md. 21403
att.

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on Recycled Paper

377

Petition for Special Hearing

97-377-SPHA

to the Zoning Commissioner of Baltimore County

Lot #76

for the property located at 1027 Cold Spring Road Baltimore MD

which is presently zoned R.C.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To Confirm that density for an area is not being affected by the replacement of an existing dwelling

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

W. Howard & Marshal. Ayres
(Type or Print Name)

X W. Howard Ayres
Signature

(Type or Print Name)

X Marshal L Ayres
Signature

1027 Cold Spring Rd 410 335 7973
Address Phone No.

Baltimore MD 21220-1425
City State Zipcode

Name, Address and phone number of representative to be contacted.

John J. Fedas
Sterling Design Group, Ltd.
Name

326 First Street Annapolis MD 21403
Address 410-267-7016 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

377

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1027 Cold Spring Rd lot 76

97-377-SPHA

which is presently zoned R.C.5.

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A 04.3.B.3 to permit side yard building setbacks of 4.5 feet and 8.0 feet in lieu of required 50 feet, and section no. 304 to permit a dwelling on an undersized lot with any other variance deemed necessary by the Zoning commissioner

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

see attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Legal Owner(s):

W. Howard & Marsha L. Ayres
(Type or Print Name)

X W. Howard Ayres
Signature

(Type or Print Name)

X Marsha Ayres
Signature

1027 Cold Spring Road 410 335 7973
Address Phone No

Baltimore MD 21220-4425
City State Zipcode

Name, Address and phone number of representative to be contacted.

John J. Fedes
Sterling Design Group, Ltd.
Name

326 First St. Annapolis MD 21403
Address 410 267 7016 Phone No.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ **Next Two Months**

ALL _____ **OTHER** _____

REVIEWED BY: _____ ***DATE*** _____

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Revised 9/5/95

Petition for Variance
Zoning Commissioner
Baltimore, MD

97-377-SPHA

Attachment
1027 Cold Spring Road
Baltimore MD 21220-4425

Marsha and Howard Ayres grew up in this neighborhood, and Marsha Ayres is a Principle of the Sandlewood Elementary School. Their Desire is to live permanently at this address.

This structure is unsafe, and unsound, and does not meet current codes for ceiling heights in some bedrooms, and egress areas. The wiring is not to code, and bedrooms do not meet fire egress requirements. The roof is not weather tight nor sound, the walls are not plumb, and they do not meet required insulation codes. Heating, ventilation, and air conditioning are substandard.

The cost of patching up this dwelling will substantially exceed 50% of accessed value, thus requiring it to meet flood area requirements. Raising this building 2.6 feet to meet flood plan requirements will not only expose it to further destructive forces, but the foundation will have to be replaced at great expense.

All of this will still not leave the owners with adequate space for their large family, or storage requirements.

This is a uniquely narrow 50.0 foot lot in a neighborhood of 50 foot lots, with varying setbacks, all non-conforming as a result of R.C.5. zoning imposed on it some time after the dwelling was first built. No owner can expand anywhere along this street and meet the 50 foot side yard requirements if they wish to dwell in a reasonable safe dwelling with normal sized rooms, and egresses.

This is not a density issue, as we would like to replace an existing single family dwelling with a new single family dwelling.

Height and parking regulations will not be effected.

Expansion of this dwelling should impose no hardship on any neighbors, and four of the homes on this street are owned by family members. The character of this neighborhood will not be adversely affected by these improvements, and the public welfare and safety will be improved.

John J. Fedas

Sterling Design Group, Ltd.
President

NOTICE OF HEARING

The Zoning Commissioner 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: #97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100' +/- W of Chesapeake Avenue
15th Election District
5th Councilmanic
Legal Owner(s):
W. Howard Ayres and Marsha L. Ayres

Special Hearing: to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance: to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.
Hearing: Monday, April 7, 1997 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

3/245 March 20 C127929

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/20, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/20, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
CE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 050844

DATE 10/8/98 ACCOUNT R-001-6150

AMOUNT $ 250.00

RECEIVED FROM: Michael P. Tanczyn, Esq.

FOR: Appeal - Case #97-377-SPHA

D UTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
10/15/1998 10/09/1998 15:59:28
RFD W806 CASHIER MWEL MRW DRAWER 1
5 MISCELLANEOUS CASH RECEIPT
Receipt # 046262 UPLN
CR NO. 050844
250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
FICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

377 JLL. No. 032674

DATE 3/7/97 ACCOUNT R001 6150

AMOUNT $ 100.00

RECEIVED FROM: AYRES

FOR: FILING-RES SPH AND VAR

03A91#0314MICHRC $100.00
BA C002:41PM03-07-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County
Department of Permits and
Development Management

377

SHEET 1 OF 2

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 377

Petitioner: Howard Ayres

Location: Essex MD Cold Spring Rd #1027

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John Fedas - Sterling Design Group

ADDRESS: 5 Milkshake Lane
Annapolis MD 21403

PHONE NUMBER: 410 267 7016

FAX TO : 410 267-6049 3/3/97

AJ:ggs FROM: JOHN LEWIS; ATTN: TO JOHN FEDAS,

(Revised 09/24/96)

JOHN F: YOU MUST FILL OUT AND FAX BACK TO ME AT 887 2824 (AREA CODE 410) ONCE RECIEVED I WILL ACCEPT FILING PACKAGE. YOU MUST PICK UP SIGN POSTING PAPERWORK AT THIS OFFICE ASAP ONCE FILING ACCEPTED. A SIGN MUST BE POSTED BY ONE OF THE SIGN POSTERS WITHIN 10 DAYS, SEE LIST SHT 2

Printed with Soybean Ink

MICROFILMED

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 3/16/97.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-377-SPHA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO CONFIRM THAT DENSITY IS NOT BEING AFFECTED BY THE REPLACEMENT OF A DWELLING AND VARIANCES TO PERMIT SIDE DWELLING SETBACKS OF 4½ AND 8 FT IN LIEU OF THE REQUIRED 50 FT AS WELL AS ANY VARIANCES DEEMED NECESSARY BY THE ZONING COMMISSIONER AND TO APPROVE AN UNDERSIZE LOT

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
March 20, 1997 Issue - Jeffersonian

Please foward billing to:

John Fedas
Sterling Design Group
5 Milkshake Lane
Annapolis MD 21403
267-7016

NOTICE OF HEARING

The Zoning Commissioner 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: 97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100'+/- W of Chesapeake Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): W. Howard Ayres and Marsha L. Ayres

Special Hearing to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.

HEARING: MONDAY, APRIL 7, 1997 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILM

CERTIFICATE OF POSTING

RE: Case No.: 97-377-SPHA

Petitioner/Developer: H. W. AYRES, ETAL
267-7016
C/O MR FETTAS - 267-6049 F

Date of Hearing/Closing: 4/7/97
AT 2:00 PM
RM. 118 - O.C.H.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

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 #1027 COLD SPRING RD. (BAILEYS QUARTERS)

The sign(s) were posted on 3/21/97
(Month, Day, Year)

Sincerely,

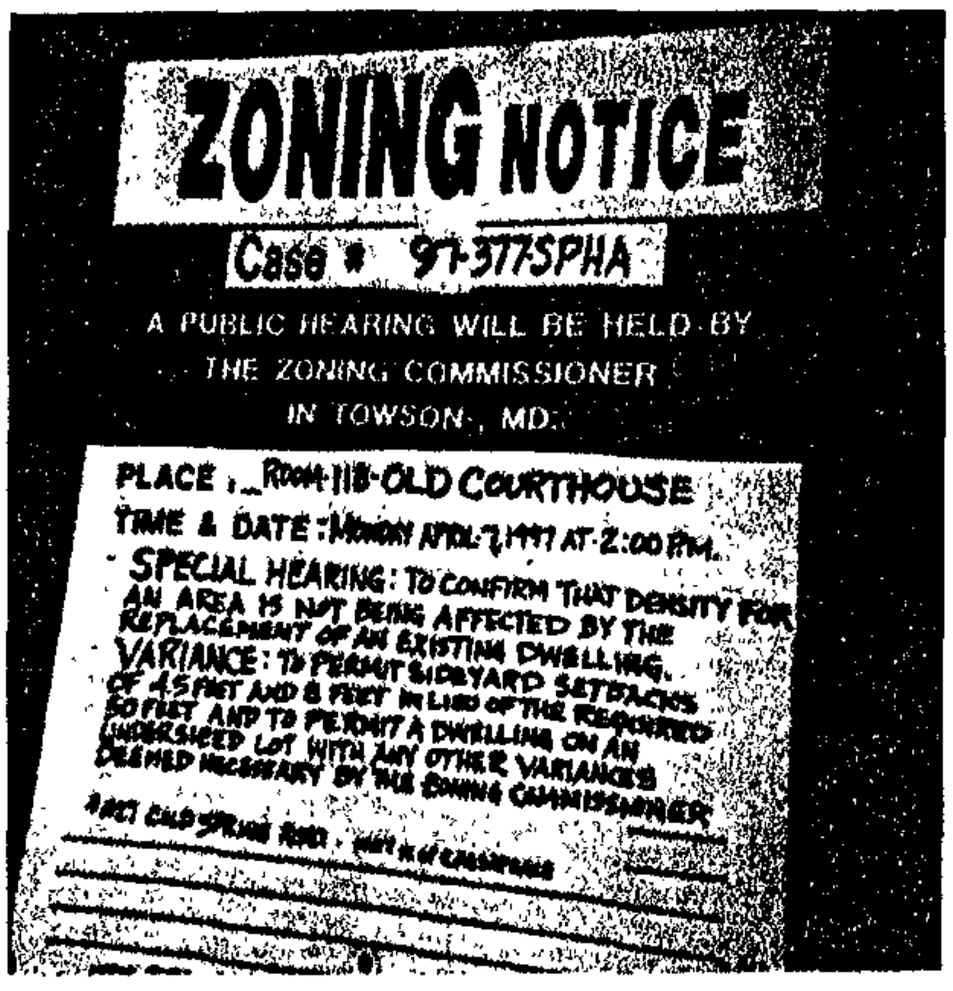
Patrick M. O'Keefe 3/21/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
(Telephone Number)



97-377 SPHA

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 13, 1997

NOTICE OF HEARING

The Zoning Commissioner 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: 97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100'+/- W of Chesapeake Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): W. Howard Ayres and Marsha L. Ayres

Special Hearing to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.

HEARING: MONDAY, APRIL 7, 1997 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: W. Howard and Marsha L. Ayers
John Fedas

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 23, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 31, 1997

Mr. and Mrs. Howard Ayres
1027 Cold Spring Road
Baltimore, MD 21220-4425

RE: Item No.: 377
Case No.: 97-377-SPHA
Petitioner: Howard Ayres, et ux

Dear Mr. and Mrs. Ayres:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 7, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: March 24, 1997

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 24, 1997
Item 377

The Development Plans Review Division has reviewed the subject zoning item.

Cold Spring Road is an existing road which shall ultimately be improved as a 30 foot paving street cross section on a 40 foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate D19 in the Baltimore County Design Manual, adopted 1983 and revised February, 1985.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The flood protection elevation (FPE) for this site is 11.2 feet.

RWB:HJO:cab

cc: File

ZONE324.377

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management

DATE: March 13, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: **1027 Cold Spring Road**

INFORMATION:

Item Number: 377

Petitioner: Ayres Property

Property Size:

Zoning: RC-5

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The Planning Office does not object to the applicant's request provided that a dwelling is, in fact, being replaced.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kess

AFK/JL:rdn

ITEM377/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 3·14·97
Item No. 377 JLL

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

_____ Attach original petition Due Date 3/26/97

To: Arnold L. Jablon

From: Bruce Seeley BS/gp

Subject: Zoning Item #377

Ayres

Zoning Advisory Committee Meeting of March 17, 1997

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

_X_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

____ Development of the property must comply with the Regulations for the Protection of Water Quality,Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

____ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

X_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

_X_ *Ground water management: septic design must be approved by DEPRM for new proposed single family dwelling.*

jablon.doc

377

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

97.377.SPHA

TO: John Lewis
PDM

DATE: February 14, 1997

FROM: Eric Rockel
Bureau of Land Acquisition

Eric Rockel

SUBJECT: Coldspring Road 100 W. of Chesnut

This will confirm my investigation that Coldspring Road is shown on the subdivision plat as 30' wide.

ER:SW:an

113 - County

Go to Room
office Bldg.

Get 1 copy of new
"Land Acquisition Manual"
regarding deed & right plat
preparation procedures.
D

MICROFILMED

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE	*	BEFORE THE
1027 Cold Spring Rd, S/S Cold Spring Rd, 100'+/- W of Chesapeake Avenue	*	ZONING COMMISSIONER
15th Election District, 5th Councilmanic	*	OF BALTIMORE COUNTY
W. Howard Ayres and Marsha L. Ayres Petitioners	*	CASE NO. 97-377-SPHA

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to John J. Fedas, Sterling Design Group, Ltd., 326 1st Street, Annapolis, MD 21403, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

VIOLATION INQUIRY NOTICE

AUGUST 18, 1998

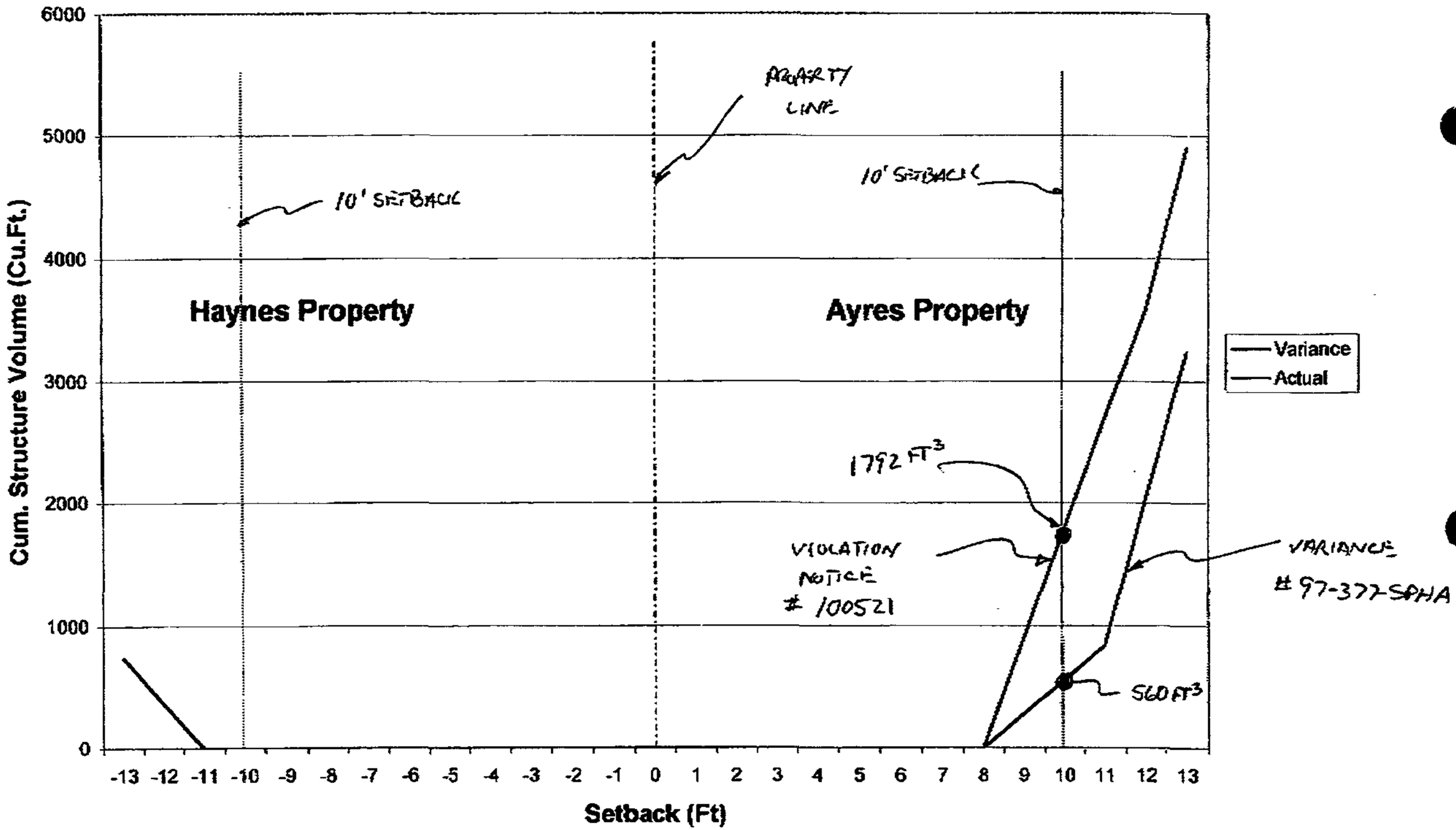
MR. HAYNES this is to advise that your inquiry concerning 1027 COLDSPRING RD, BALTIMORE, MD 21220 has been assigned to ERROL ECKER with case number 98-4261. After an inspection of the property, a correction notice will be issued if warranted to the property owner.

In a small number of cases, the property owner cannot be located and a lengthy search can ensue. In other cases, the owner may dispute the violation notice and file various appeals and requests for extensions. Legal action by the county also is subject to court scheduling and appeals.

We realize these delays can be frustrating to you and to others affected by the violation(s), but due process requires numerous safeguards to prevent possible abuses whenever government accuses a citizen of breaking the law. It does not mean the case has been ignored or that the county is not pursuing it if no physical progress is apparent.

Please contact inspector ERROL ECKER at 410-887-3953 if you have a question or concern about the status of case number 98-4261. Although the outcome may be delayed, every violation is pursued until resolved. Baltimore County is dedicated to effectively enforcing the codes in a manner which will protect the rights of everyone.

Cumulative Structure Volume vs Setback



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 887-3351
Building Inspection: 887-3953
Plumbing Inspection: 887-362
Electrical Inspection: 887-396

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE BALTIMORE COUNTY CODE; ZONING, OR OTHER CODES, REGULATIONS, AND POLICIES AS INDICATED BELOW.

Violation Notice No. 100521

Name(s) MARK ELLIOTT
Address
Location of Violation (if different than address) 1027 Cord Spring
Election District 15th Permit No. B326766 Case No. 97-377-SPHA
Vehicle License No.: Vehicle ID:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code: Zoning Regulations:
§§ §§
§§ §§
§§ §§

Building Code (BOCA): 1113 Liability Code (§18-66):
§§ §§
§§ §§
§§ §§

Investment Property Act (§7-66): Electrical Code (NEC):
§§ §§
§§ §§

Plumbing Code (NSPC): Dwelling (CABO):
§§ §§
§§ §§

Other: §§

COMMENTS OR OTHER VIOLATIONS:

FOOTPRINT OF BUILDING DOES NOT COMPLY W/ PERMIT, DRAWINGS + SPECIAL HEARING 97-377-SPHA

NO INSPECTIONS TILL RESOLVED.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE 9/10/98 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 8/17/98 INSPECTOR: CAROL ECKE

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

DATE ISSUED: INSPECTOR:

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE PLEASE READ CAREFULLY.

DEFENDANT

See Variance #

INTER-OFFICE CORRESPONDENCE 97-377 SPHA
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B_____
Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

X Howard and Marsha Ayres (Print Name of Applicant) 1027 Cold Spring Rd. Balt. MD (Address) 410 335 7973 (Telephone Number)

X Lot Address Lot #76 (1027 Cold Spring Rd) Election District X 15 Council District X 5 Square Feet 10,175' ±

Lot Location: N E S W side/ corner of Cold Spring Rd (street), 199 FT feet from N E S W corner of CHESTNUT RD. (street)

Land Owner Same Tax Account Number X 04-15-151320 0460-8752 349489R

Address Same Telephone Number Same

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

	PROVIDED? YES	NO
1. This Recommendation Form *(3 copies)*	✓	
2. Permit Application		X
3. Site Plan		
Property *(3 copies)*	✓	
Topo Map (available in Rm 206 C.O.B.) *(2 copies)* (please label site clearly)	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly)		
Adjoining Buildings	✓	
Surrounding Neighborhood	✓	

Residential Processing Fee Paid
Codes 030 & 080 ($85)
Accepted by J. Lewis ZADM
Date 3/7/97

RECEIVED
MAR 10 1997
OFFICE OF PLANNING

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

☐ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: Ervin McDaniel
for the Director, Office of Planning & Zoning

Date: 3/17/97

CV-4

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

HAYNES, et al.

Plaintiffs

Vs.

AYRES, et al.

Defendants

Case Number 03-C-98-9491

(xx) Civil ( ) Criminal

RECEIVED
SEP 23 1998
ZONING

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Hon. Lawrence Schmidt
Office of Zoning Commissioner
Old Courthouse, Room 113
Towson, Maryland 21204
(410) 887-4386

YOU ARE HEREBY COMMANDED TO: (x) Personally appear; ( ) Produce documents and or objects only
( ) Personally appear and produce documents or objects;

at Circuit Court for Baltimore County, 401 Bosley Avenue, Towson, MD 21204
(Place where attendance is required)

on Thursday the 24 day of September, 19 98, at 9:30 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by ( ) Plaintiff; (x) Defendant; and any questions should be referred to:

Robert E. Cahill, Jr., 502 Washington AVenue, Suite 700, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number)

Date Issued September 23, 1998

CLERK

Signature & Seal

NOTICE:

(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
(2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
(3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d)

SHERIFF'S RETURN

( )—Served and copy delivered on date indicated below.
( )—Unserved, by reason of _____

Date: _____ Fee: $ _____

SHERIFF

Original and one copy needed for each witness

CV-4

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

GEORGE HAYNES, et al.

Case Number 03-C-98-9491

(x) Civil ( ) Criminal

Vs.

HOWARD AYRES, et al.

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) The Honorable Lawrence Schmidt
Zoning Commissioner Baltimore County
Room 405, 401 Bosley Avenue
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only
(X) Personally appear and produce documents or objects;

at Circuit Court For Baltimore County
(Place where attendance is required)

401 Bosley Avenue, Towson, Maryland, 21285-6754

on Thursday the 24th day of September, 19 98, at 9:30 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Any notes, or memoranda of a meeting or meetings you had with Mark Elliott on or about August 17, 1998 concerning case 97-377-SPHA 1027 Cold Spring Rd.

Subpoena requested by (X) Plaintiff; ( ) Defendant; and any questions should be referred to:

Michael P. Tanczyn, Esq. Ste. 106, 606 Balto. Ave. Towson MD 21204
(Name of Party or Attorney, Address and Phone Number)

Date Issued September 21, 1998

CLERK

Signature & Seal

NOTICE:

(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
(2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
(3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

( )—Served and copy delivered on date indicated below.
( )—Unserved, by reason of

Date: Fee: $

SHERIFF

Original and one copy needed for each witness

APPEAL

Petitions for Special Hearing and Variance
S/S Cold Spring Road, 100' +/- W of Chesapeake Avenue
(1027 Cold Spring Road)
15th Election District - 5th Councilmanic District
W. Howard Ayres, et ux - Petitioners
Case Number: 97-377-SPHA

Petitions for Special Hearing and Variance

No Description of Property Found

Certificate of Posting

Certification of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In Sheet

Plan to Accompany Zoning Petitions

Plaintiff's Exhibit G: Plat - SUBJECT OF APPEAL

Plan showing property known as 1027 Cold Spring Road (Subject of Appeal)

Letter from John J. Fedas, Sterling Design Group, Ltd., to Zoning Commissioner

Letter from George P. Haynes to Arnold Jablon, Director of Permits and Development Management dated August 12, 1998

Letter from Lawrence E. Schmidt, Zoning Commissioner, to Mr. and Mrs. George P. Haynes dated September 9, 1998

Letter from George Haynes to Lawrence Schmidt, Zoning Commissioner, dated September 10, 1998

Chart of Cumulative Structure Volume vs. Setback, Violation Notice No. 100521, and Violation Inquiry Notice

Circuit Court for Baltimore County Order Signed by James T. Smith, Jr., Judge, dated September 23, 1998

Zoning Commissioner's Order dated April 29, 1997 (Granted)

Notice of Appeal for Plan Approved on August 17, 1998 by the Zoning Commissioner received on September 15, 1998 from Michael P. Tanczyn, Esquire on behalf of Mr. and Mrs. George Haynes

c: Mr. and Mrs. W. Howard Ayres, 1027 Cold Spring Road, Baltimore, MD 21220
Mr. John J. Fedas, Sterling Design Group, Ltd., 326 First St., Annapolis, MD 21403
Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, MD 21204
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

October 20, 1998

Mr. and Mrs. Howard Ayres
1027 Cold Spring Road
Baltimore, MD 21220-4425

Dear Mr. and Mrs. Ayres:

RE: Petitions for Special Hearing and Variance, Case No.: 97-377-SPHA, 1027 Cold Spring Road, 15c5 District:, W. Howard and Marsha L. Ayres - Petitioners

Please be advised that an appeal of the above referenced case (note on the plan by Lawrence Schmidt dated August 17, 1998) was filed in this office on September 15, 1998 by Michael P. Tanczyn, Esquire on behalf of Mr. and Mrs. George Haynes. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

Sincerely,

Arnold Jablon
Director

AJ:rye

c: People's Counsel

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 9, 1998

Mr. & Mrs. George P. Haynes
1029 Cold Spring Road
Bowleys Quarters, Maryland 21220

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
1027 Cold Spring Road
W. Howard Ayres and Marsha L. Ayres, Owners
Case No. 97-377-SPHA

Dear Mr. & Mrs. Haynes:

In response to your letter dated August 12, 1998, and to follow-up on our several telephone conversations concerning the above-captioned matter, the following comments are offered.

I first apologize for the delay in responding in writing to your inquiry. It took me some time to locate the case file and research the issues raised. In any event, a review of the case file indicates that Petitions for Special Hearing and Variance were filed by the owners of the subject property, W. Howard and Marsha L. Ayres, seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard building setbacks of 4.5 feet and 8.0 feet in lieu of the required 50 feet each, and from Section 304 to permit a dwelling on an undersized lot with any other variance deemed necessary by the Zoning Commissioner.

As required by County law, notice of the relief requested and public hearing to be held thereon was provided via an advertisement in the Jeffersonian Newspaper on March 20, 1997 and a posted sign on the property on or about March 21, 1997. Following that notice, a public hearing was convened on April 7, 1997 at which I presided. According to the record maintained in the case file, no one appeared at the hearing in opposition to the request. The only attendees were Mr. & Mrs. Ayres. At the hearing, a copy of the site plan was submitted which showed the Petitioners' plans. Specifically, it was represented that the property is improved with a 1.5 story single family dwelling which was approximately 60 years old and that the Petitioners proposed to raze that dwelling to construct a new single family dwelling in its place. It was indicated that the proposed new dwelling would be essentially in the same building footprint as the old dwelling, and that variance relief as indicated was necessary.

Also at the hearing, a letter was submitted which had been signed by three neighbors, including George Haynes, indicating that there was no

Printed with Soybean Ink

opposition to Mr. & Mrs. Ayres' request. Based upon the testimony and evidence presented at the hearing, the relief requested was granted on April 29, 1997. A copy of the Order setting out my complete Findings of Fact and Conclusions of Law is attached hereto.

Under the Baltimore County Code, any appeal of my decision must be filed within thirty (30) days of the date of the written Order. According to the file, no such appeal was taken. On August 17, 1998, an individual appeared at my office representing himself to be the builder of the new house on the Ayres' lot. He indicated that an amended site plan was being submitted for consideration. A copy of that site plan is attached hereto, with my handwritten note hereon. Essentially, I determined that the amended site plan fell within the spirit and intent of the originally approved request. I particularly observed that the 8-foot side yard setback continued to be maintained. Moreover, the depth of the building was no greater, thus the mass and scale of the proposed structure had not changed.

I understand the concerns which you have raised in your letter and your objection. However, with all due respect, I do not believe the objections are meritorious, particularly in view of the fact that variance relief was granted with your support, and that no appeal of the original Order was filed. In my judgment, the changes to the proposed house are relatively minor in scope and nature. The building is no deeper and comes no closer to your property line than that originally planned. For all of these reasons, I decline to reverse my prior Order.

Please do not hesitate to contact me should you have any further questions.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Case File

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827 • Computer Fax: (410) 296-2848

SEP 15 1998

September 15, 1998

Zoning Commissioner
Suite 405
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Petition for Special Hearing and Variance - 1027 Cold Spring Road
Case No.: 97-377-SPHA
Petitioners: W. Howard Ayres and Marsha L. Ayres
My Clients: Mr. and Mrs. George Haynes

Dear Mr. Commissioner:

Please enter an appeal from your granting of an amendment to the site plan approved in Case 97-377-SPHA which you granted by handwritten note without notice or public hearing on or about August 17, 1998. I have enclosed my check in the amount of $250.00 for the filing costs in this matter. Please notify the Appellants of the time and date of the hearing once it is forwarded to the Board of Appeals of Baltimore County.

Please note that this is an appeal not only from the Amendment as to the variance area requested, but also as to the specific finding in the original Order that the density for an area would not be affected by the replacement building for an existing dwelling, as well as by the failure of the Petitioners to comply with the requirements of the Chesapeake Bay critical area regulations and failure to incorporate the DEPRM comments and Development Plans review Division comments.

Thank you very much for your cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/gr
Enclosure

cc: Mr. and Mrs. George P. Haynes
Mr. and Mrs. Howard Ayres
Mr. Arnold Jablon, Director Dept. of Permits & Development Mgmt.

ROZ-
No check

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827 • Computer Fax: (410) 296-2848

September 15, 1998

Zoning Commissioner
Suite 405
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Petition for Special Hearing and Variance - 1027 Cold Spring Road
Case No.: 97-377-SPHA
Petitioners: W. Howard Ayres and Marsha L. Ayres
My Clients: Mr. and Mrs. George Haynes

Dear Mr. Commissioner:

Please enter an appeal from your granting of an amendment to the site plan approved in Case 97-377-SPHA which you granted by handwritten note without notice or public hearing on or about August 17, 1998. I have enclosed my check in the amount of $250.00 for the filing costs in this matter. Please notify the Appellants of the time and date of the hearing once it is forwarded to the Board of Appeals of Baltimore County.

Please note that this is an appeal not only from the Amendment as to the variance area requested, but also as to the specific finding in the original Order that the density for an area would not be affected by the replacement building for an existing dwelling, as well as by the failure of the Petitioners to comply with the requirements of the Chesapeake Bay critical area regulations and failure to incorporate the DEPRM comments and Development Plans review Division comments.

Thank you very much for your cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/gr
Enclosure

cc: Mr. and Mrs. George P. Haynes
Mr. and Mrs. Howard Ayres
Mr. Arnold Jablon, Director Dept. of Permits & Development Mgmt.

RECEIVED
SEP 16 1998
PDM

Mr. & Mrs. George P. Haynes
1029 Cold Spring Rd.
Bowley's Quarters, MD 21220
August 12, 1998

Mr. Arnold Jadlon, Director
Baltimore County
Dept. of Permits and Development Management
111 W. Chesapeake Ave., Rm. 111
Towson, MD 21204

Re: Building Permit # B320760
Variance #97-377- SPHA

Dear Mr. Jadlon:

We are neighbors and abutters to a home construction sight located at 1027 Cold Spring Rd., Bowley's Quarters, MD. The property is owned by Howard and Marsha Ayres and the construction is under their direction.

In February, 1997, Mr. and Mrs. Ayres requested a signed statement that we would not oppose their petition for variance of their setbacks at 1027 Cold Spring Rd. Mr. Ayres presented a sight plan showing a protruding wall, 14' long, extending to within 8' of our property line. The remainder of the house was setback ±11' from the property line. We did not oppose Mr. Ayres' petition based on the size of the projection shown in the scaled drawing prepared by Keller & Keller, dated 2/4/97. Baltimore County granted the Ayres' request for variance in May, 1997 and assigned variance #97-377-SPHA. We did not attend the variance meeting based on the detail of Mr. Ayres' sight plan and our trust in the Ayres as friends and neighbors.

Construction on the project began in January, 1998 and has progressed slowly with numerous changes. The current configuration of the footers, foundations and side walls abutting our property bear no resemblance to the sight plan attached to the document I signed in February, 1997 or the variance granted by the county. The transcript of the variance hearing specifically stated that the variance was granted per the drawing attached to the petition for variance. The sidewall projection to the 8' setback is now 32' long with footers and foundation running the entire length of the structure at the 8' setback line.

We contend the value of our property is diminished by the obtrusive nature of the structure and its proximity to the property line. This is waterfront property with assessed and market values being some of the highest in Balto. Co. Our water view is obstructed as the protruding side wall moves closer to our property line.

We petition the County to enforce the variance as granted or convene another zoning hearing so we may oppose the structure in its current configuration.

Sincerely,

George P. Haynes

George & Christine Haynes
1029 Cold Spring Road
Baltimore, MD 21220
410-335-7709

RECEIVED
SEP 11
ZONING COMMISSIONER

September 10, 1998

Mr. Lawrence Schmidt, Zoning Commissioner
Baltimore County
Office of the Zoning Commissioner
401 Bosley Ave., Mailstop 3401
Towson, MD 21204

Re: Building Permit Nos. B320760 & B350729
Variance # 97-377-SPHA
Violation Notice No. 100521

Dear Mr. Schmidt;

Yesterday when I went into the County offices to file a Petition for a Special Hearing I was provided with a copy of the latest site plan on file for the residential construction project at 1027 Cold Spring Road. This is the one which was prepared by J.S.T. Engineering Co., Inc., dated 8/11/98. It is the one which you authorized in order for the general contractor, Mark Elliott, to obtain new permits in an attempt to reflect the current configuration of the structure.

Since the violation and our previous objections had not been brought to your attention prior to your above authorization, we would like to be assured that you do receive any additional relevant information on this matter. Therefore, I would like to advise you that this site plan, used to obtain new permits still does not reflect the current configuration of the structure.

If you should need to reach me, I can be reached at 410-547-7700, ext. 715 or 410-335-7709.

Sincerely,

George Haynes (CH)
George Haynes

Cc: Mr. Arnold Jadlon

97-910

TOCADA Sterling Design Group

Architectural Designers Construction Management

377

97-377-
SPHA

Mr. John Lewis
Planning and Zoning
Baltimore County
Towsen MD

Dear Mr. Lewis,

I Authorize Baltimore County to correct the proposed dwelling location on these petition plans as shown on this drawing, and I accept all responsibility for the accuracy of such location information.

Very Truly

Arthur J. Fedus
President

Post-it® Fax Note 7671	Date	# of pages ▶
To JOHN LEWIS	From	
Co./Dept. Planning	Co.	
Phone #	Phone #	
Fax # 410 887 2824	Fax #	

13-B3 President Point Drive Annapolis MD 21403
800-433-0016

MICROFILMED

2/21/97 8 377 97-791

RECEIVED FEB 21 1997 PDM

97-377-SPHA

February 13, 1997

To Whom It May Concern:

We, the undersigned, being neighbors and abutters are not opposed to Howard and Marsha Ayres' petition for variance of their setbacks at 1027 Coldspring Road, Baltimore, Maryland 21220.

1029 COLD SPRING RD.

Howard Ayres
1023 COLD SPRING ROAD

1021 COLD SPRING RD.

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

Newton A. Williams

DIRECT DIAL:
(410) 823-7856

JAMES D. NOLAN
(RETIRED 1980)

J EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

TELECOPY COVER PAGE

DATE: September 16, 1998 CLIENT MATTER NO: new

TO: Hon. Lawrence E. Schmidt, ESQ.

FIRM: Zoning Commissioner

RE: Ayres file, 1027 Cold Spring Rd., 97-377-SPHA

FAX TELEPHONE NUMBER: 410 8873468 PHONE: 410 887 4386

TELEPHONE NUMBER TO CONFIRM RECEIPT: 410 887 4386

TOTALS NUMBER OF PAGES (INCLUDING COVER SHEET): One

FROM: **Newton A. Williams** and Robert Cahill

Dear Commissioner Schmidt:

We have just been contacted about entering a Circuit Court Case, involving this case. A stop at PDM indicates the file is signed to your office.

Mrs. Novak could not locate it in a preliminary search. Bob Cahill is scheduled to appear in the Circuit Court at 10:00 A.M. tomorrow re a requested Temporary Restraining Order sought by a neighbor Mr. Haynes represented by Mike Tanczyn, ESQ. Thus, it is very important we locate the file as soon as possible. Please call either Bob or me about this matter. Thank you.

Respectfully,

Newton

Newton A. Williams

FAX CC:

Howard Ayres, 410 335 2154

Mark Elliott, 410 666 3618

IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL

TRANSMISSION VERIFICATION REPORT

sent copy of Order & site plans (original & new) & Lrs' letter of 9/9/98 to Newton Wnes. BJ 9/17/98

TIME: 09/17/1998 10:09
NAME: ZONING COMM OFFICE
FAX : 410-887-3468
TEL :

DATE,TIME	09/17 10:04
FAX NO./NAME	94102962765
DURATION	00:05:11
PAGE(S)	10
RESULT	OK
MODE	STANDARD

Mr. & Mrs. George P Haynes
1029 Cold Spring Rd
Bowley's Quarters, MD 21220
August 12, 1998

Mr. Arnold Jadlon, Director
Baltimore County
Dept. of Permits and Development Management
111 W. Chesapeake Ave , Rm 111
Towson, MD 21204

Re: Building Permit # B320760
Variance #97-377- SPHA

Dear Mr Jadlon:

We are neighbors and abutters to a home construction sight located at 1027 Cold Spring Rd , Bowley's Quarters, MD The property is owned by Howard and Marsha Ayres and the construction is under their direction

In February, 1997, Mr. and Mrs. Ayres requested a signed statement that we would not oppose their petition for variance of their setbacks at 1027 Cold Spring Rd Mr. Ayres presented a sight plan showing a protruding wall, 14' long, extending to within 8' of our property line. The remainder of the house was setback ±11' from the property line. We did not oppose Mr Ayres' petition based on the size of the projection shown in the scaled drawing prepared by Keller & Keller, dated 2/4/97 Baltimore County granted the Ayres' request for variance in May, 1997 and assigned variance #97-377-SPHA. We did not attend the variance meeting based on the detail of Mr. Ayres' sight plan and our trust in the Ayres as friends and neighbors

Construction on the project began in January, 1998 and has progressed slowly with numerous changes. The current configuration of the footers, foundations and side walls abutting our property bear no resemblance to the sight plan attached to the document I signed in February, 1997 or the variance granted by the county The transcript of the variance hearing specifically stated that the variance was granted per the drawing attached to the petition for variance. The sidewall projection to the 8' setback is now 32' long with footers and foundation running the entire length of the structure at the 8' setback line.

We contend the value of our property is diminished by the obtrusive nature of the structure and its proximity to the property line This is waterfront property with assessed and market values being some of the highest in Balto Co. Our water view is obstructed as the protruding side wall moves closer to our property line.

We petition the County to enforce the variance as granted or convene another zoning hearing so we may oppose the structure in its current configuration.

Sincerely,

George P. Haynes

RECEIVED
SEP 1 1 1998
ZONING COMMISSIONER

George & Christine Haynes
1029 Cold Spring Road
Baltimore, MD 21220
410-335-7709

September 10, 1998

Mr. Lawrence Schmidt, Zoning Commissioner
Baltimore County
Office of the Zoning Commissioner
401 Bosley Ave., Mailstop 3401
Towson, MD 21204

Re: Building Permit Nos. B320760 & B350729
Variance # 97-377-SPHA
Violation Notice No. 100521

Dear Mr. Schmidt;

Yesterday when I went into the County offices to file a Petition for a Special Hearing I was provided with a copy of the latest site plan on file for the residential construction project at 1027 Cold Spring Road. This is the one which was prepared by J.S.T. Engineering Co., Inc., dated 8/11/98. It is the one which you authorized in order for the general contractor, Mark Elliott, to obtain new permits in an attempt to reflect the current configuration of the structure.

Since the violation and our previous objections had not been brought to your attention prior to your above authorization, we would like to be assured that you do receive any additional relevant information on this matter. Therefore, I would like to advise you that this site plan, used to obtain new permits still does not reflect the current configuration of the structure.

If you should need to reach me, I can be reached at 410-547-7700, ext. 715 or 410-335-7709.

Sincerely,

George Haynes

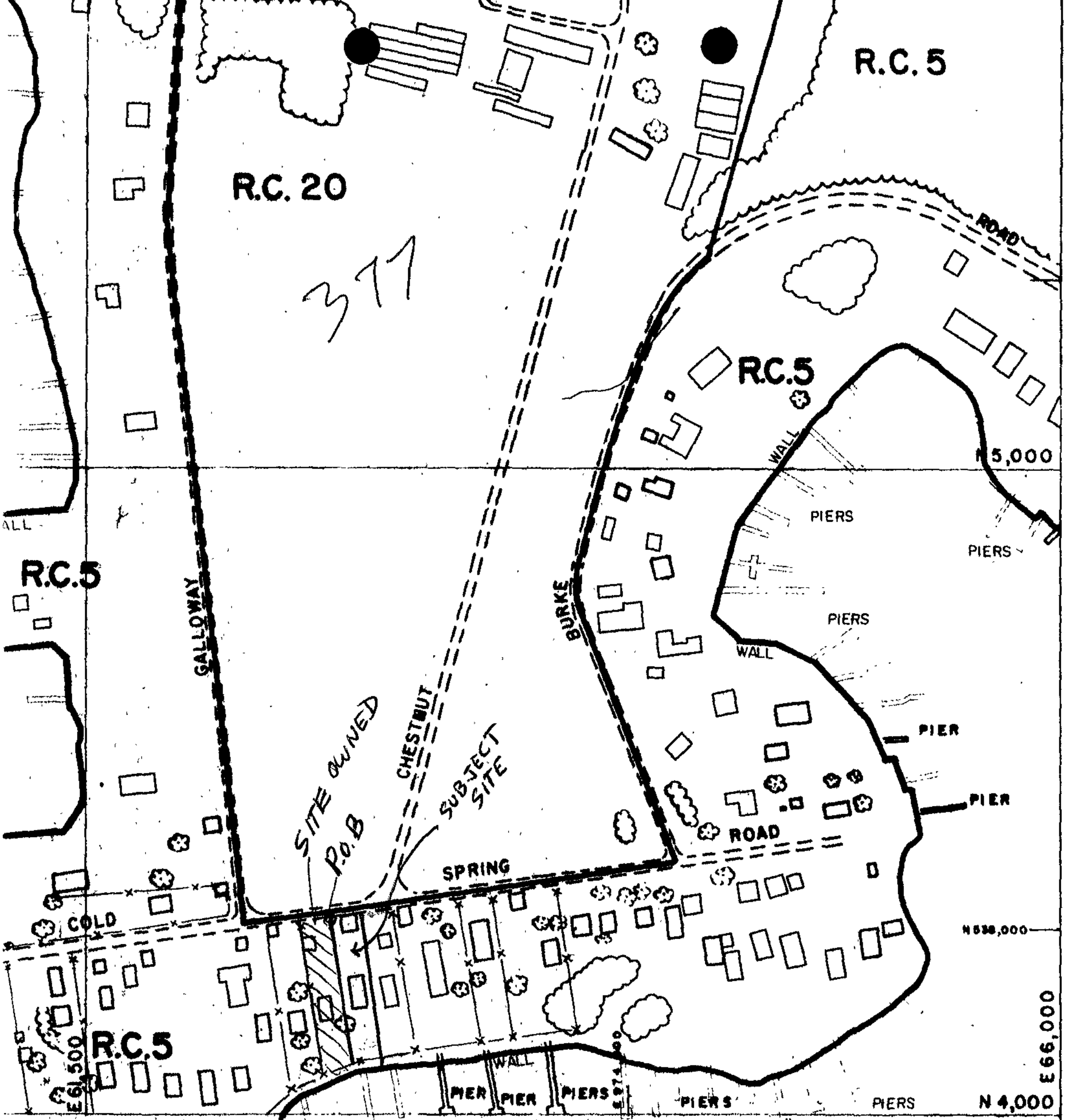
Cc: Mr. Arnold Jadlon

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

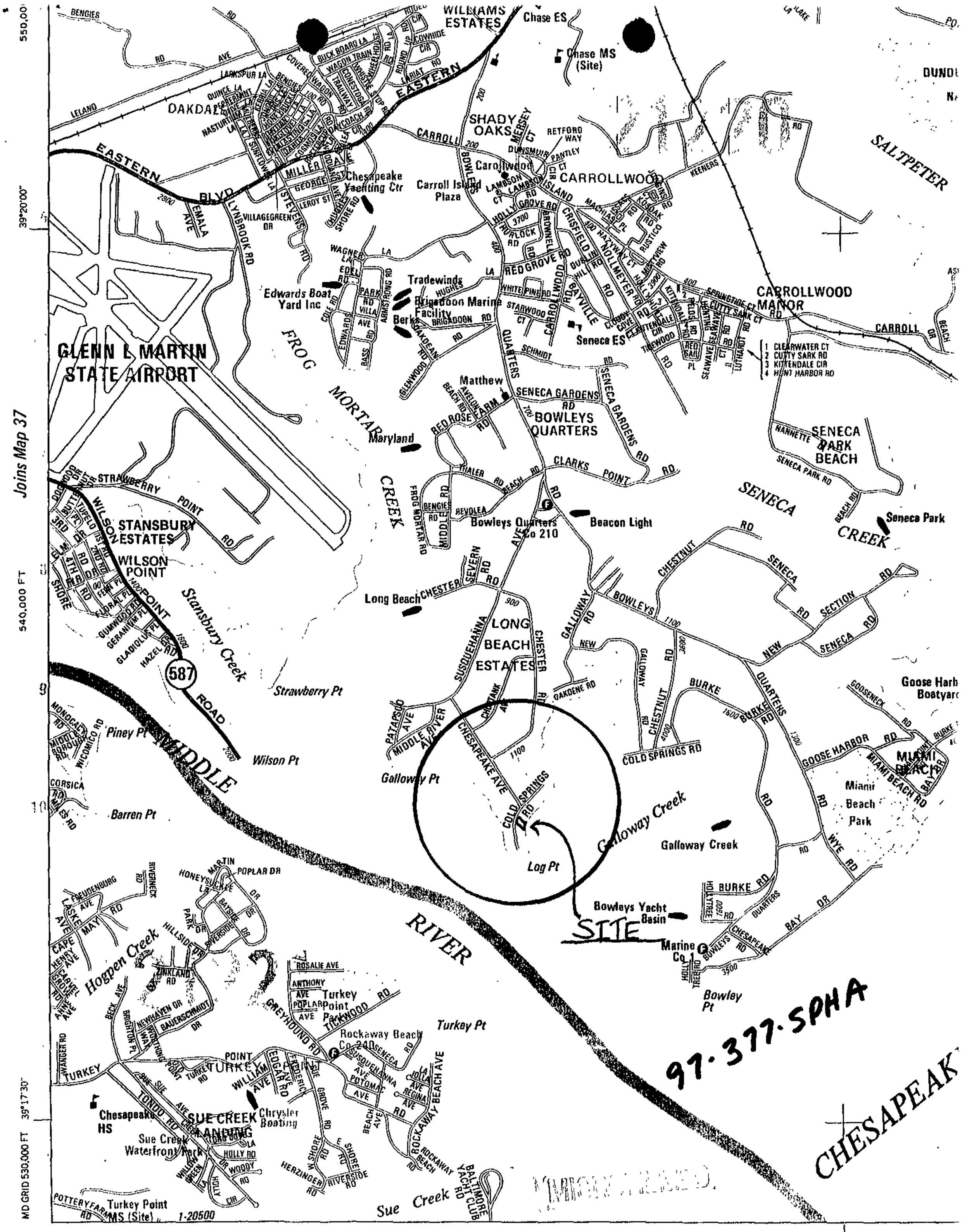
NAME	ADDRESS
W. HOWARD AYRES	1027 COLD SPRING ROAD
MARSHA L. AYRES	BALTIMORE, MARYLAND 21220

Printed with Soybean Ink
on Recycled Paper



SCALE	LOCATION	SHEET
1" = 200'±	BOWLEYS QUARTERS	N.E. 2-K
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED



 © ADC OF ALEXANDRIA, INC.

VARIANCE 377

97-377-SPHA

Existing Dwelling

PHONE: 483-5150

KELLER & KELLER

State Registered Land Surveyors

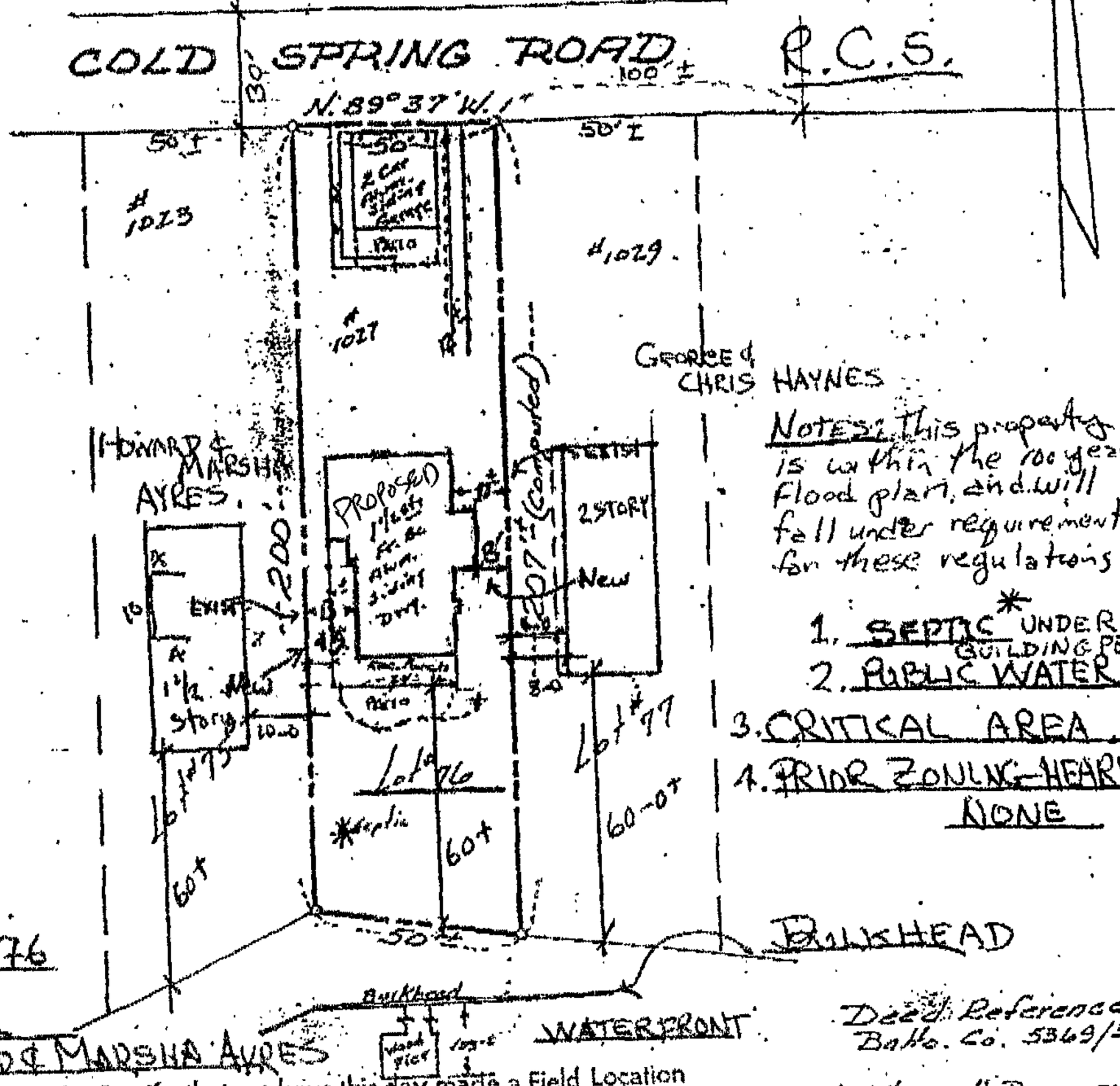
LAND SURVEYS

3914 WOODLEA AVENUE

BALTIMORE, MARYLAND 21206

SINCE 1924

15th ELECTION
5th COUNCIL



NOTES: This property is within the 100 year Flood plain, and will fall under requirements for these regulations

1. SEPTIC* UNDER BUILDING PERM
2. PUBLIC WATER
3. CRITICAL AREA
4. PRIOR ZONING HEARING NONE

Deed Reference
Balto. Co. 5369/3

Lot #76 "BOWLEY QUARTER" PLAT 7
Balto. Co. Plat Book W.P.C. No. 7, Folio 12

This is to Certify that we have this day made a Field Location Survey of #1027 Cold Spring Rd. & that house and property lines are as shown on this Plat.

Scale: 1" = 40'

Date: 10/4/96 2/4/97

THIS PLAT IS INTENDED TO SHOW THE IMPROVEMENTS ONLY. THIS IS NOT A PROPERTY LINE SURVEY

(original plan) 9/98

REVISIONS		
	BY	DATE

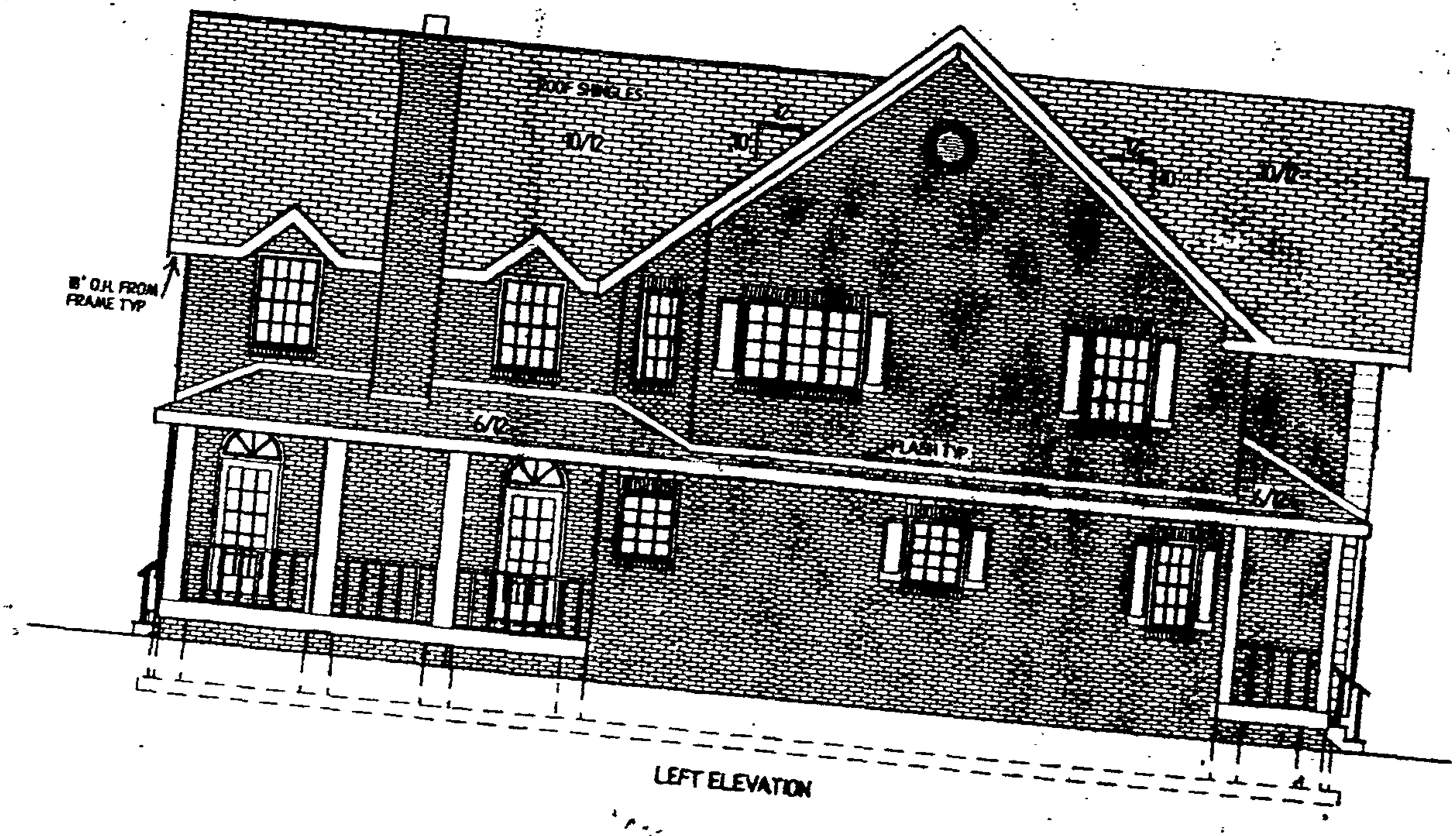
SCALE
1" = 200'

DATE OF PHOTOGRAPHY
DEC. 1954

LOCATION
BOWLEYS QUARTERS

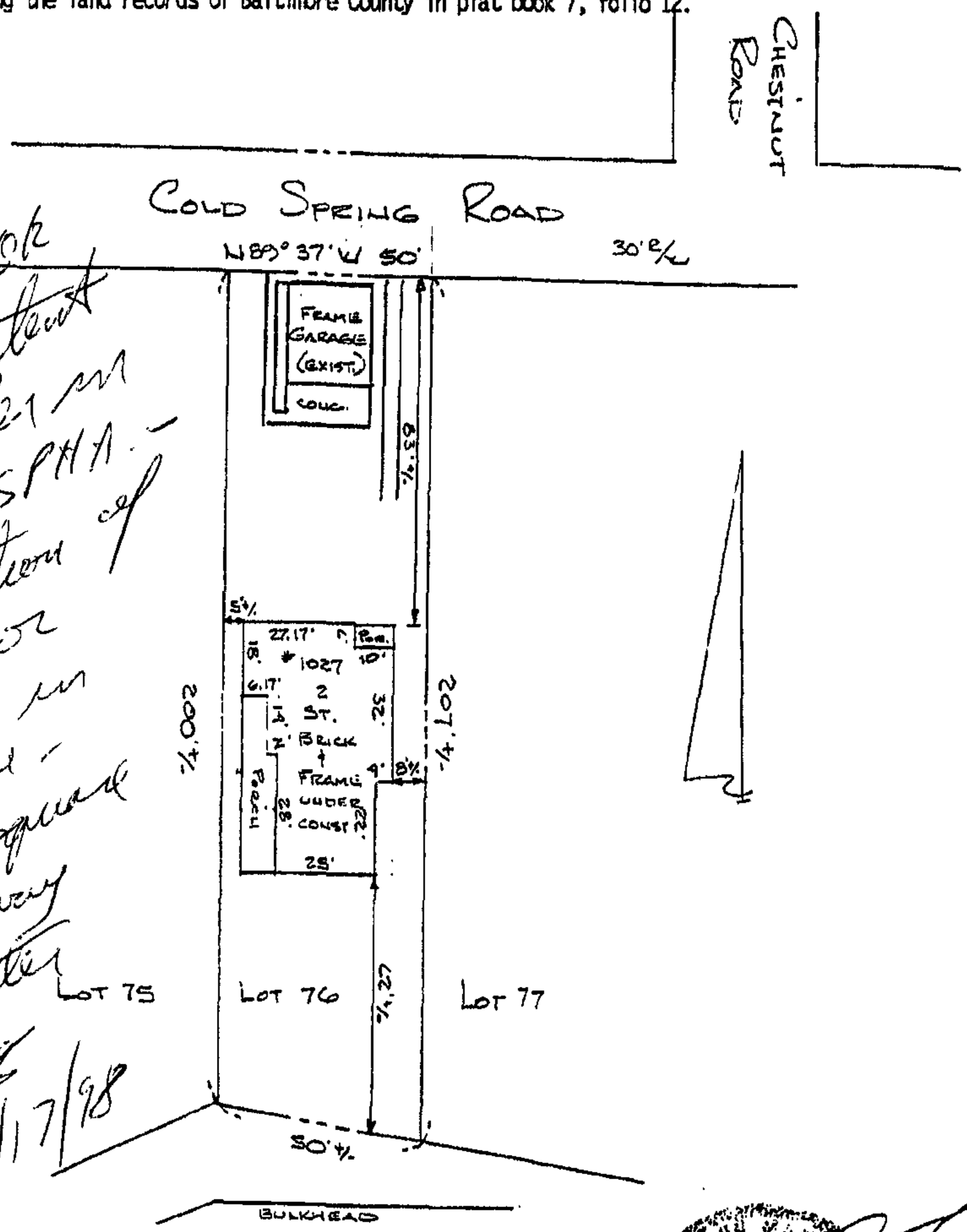
SHEET
N.E.

MICROFILM



LEFT ELEVATION

Plat showing property known [redacted] 1027 Cold Spring Road, 15TH Election Dis[redacted]t, 5TH Councilmanic District, Baltimore County, Maryland. [redacted]o known as Lot 76, as shown on the PLAT [redacted] BOWLEYS QUARTERS, PLAT 1, which plat is recorded among the land records of Baltimore County in plat book 7, folio 12.



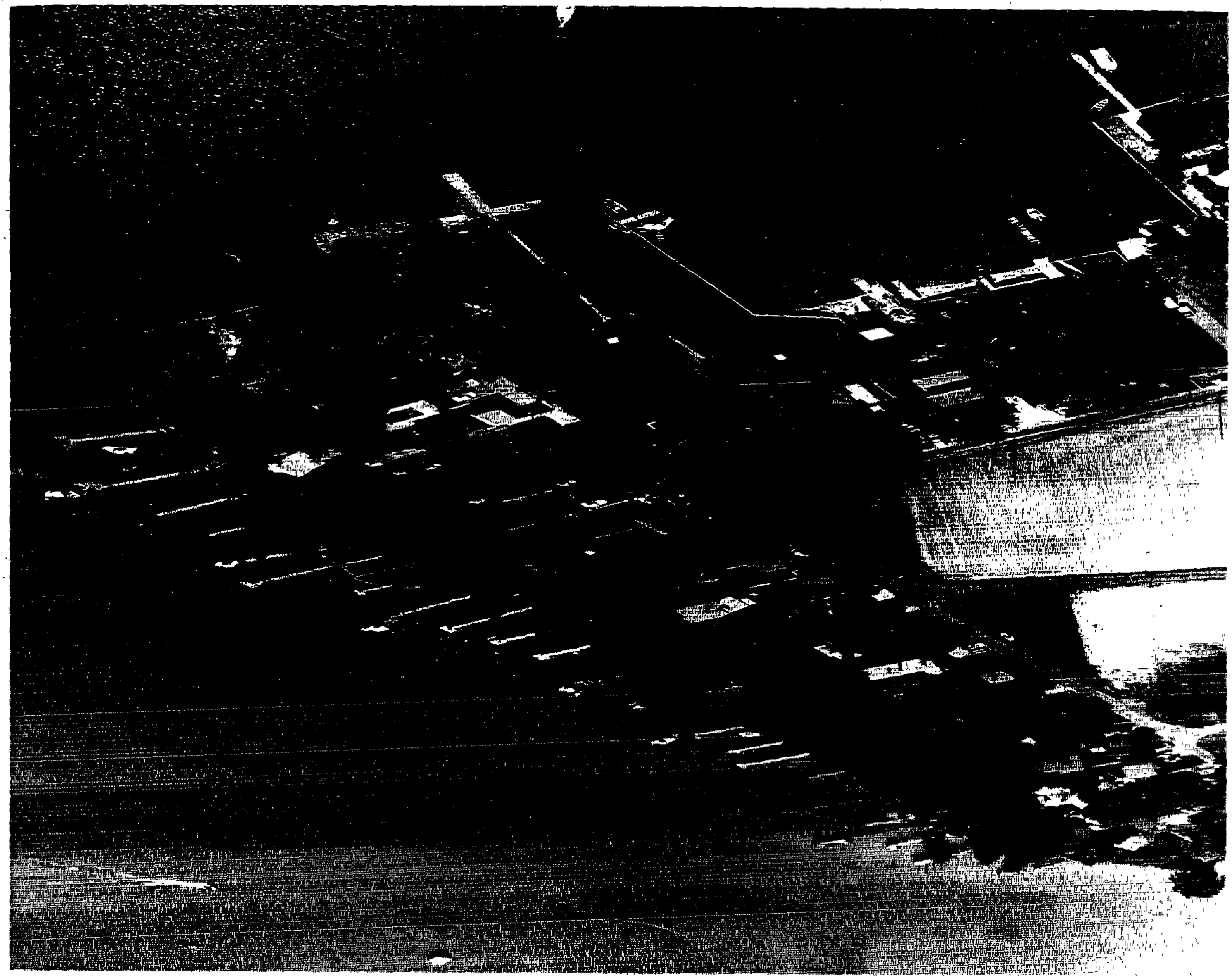
This plan ok & consistent w/ Order in 97-377-SPHA. No reduction of setback or increase in variance. Additional space for top away from water

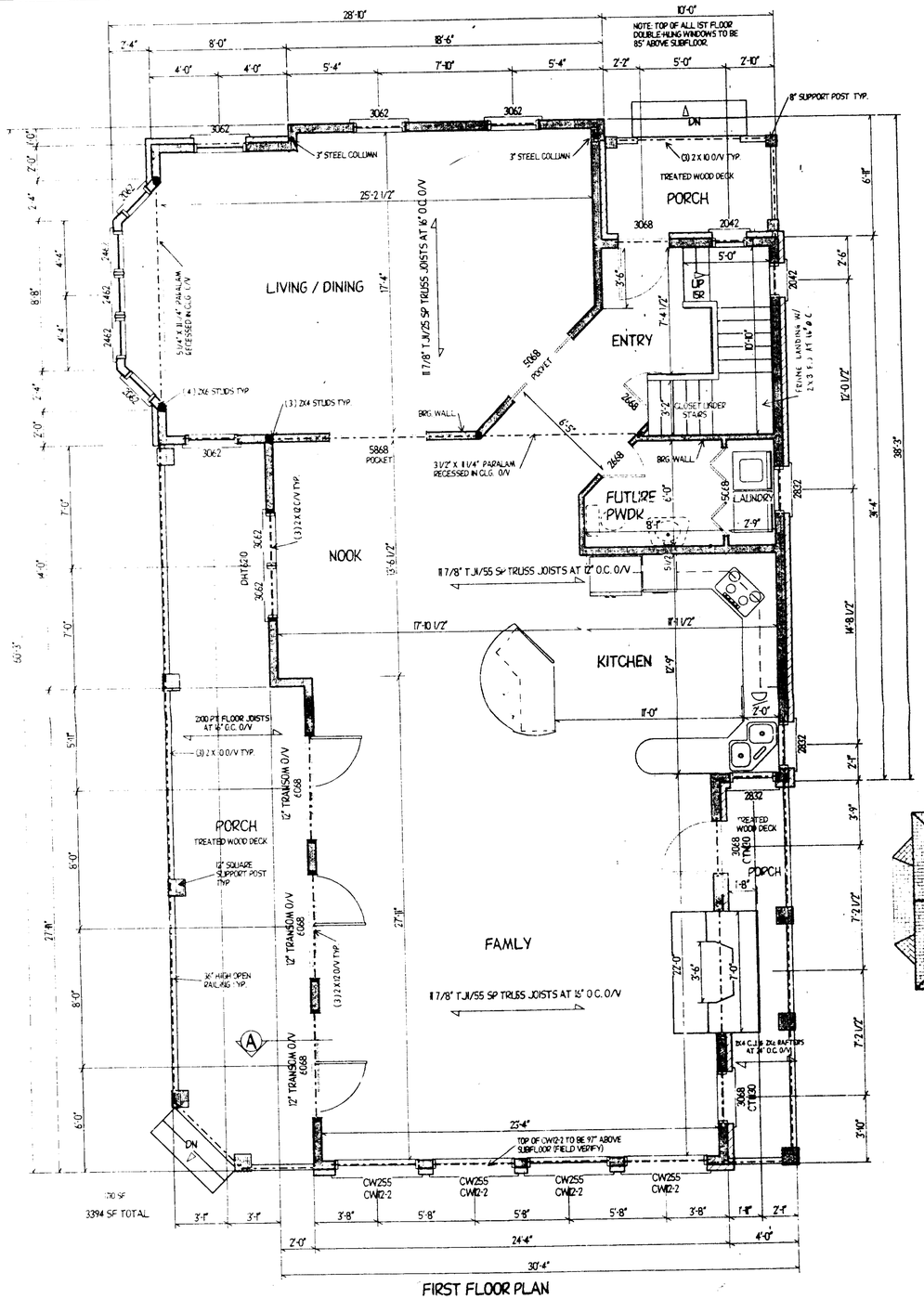
8/17/98

J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410 335-9142 Fax 410 335-9144

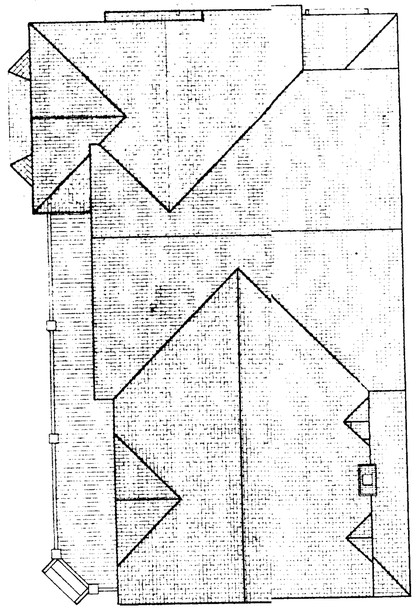
Scale: 1"=40' **Date:** 8-11-98

Plaintiff's Ex G

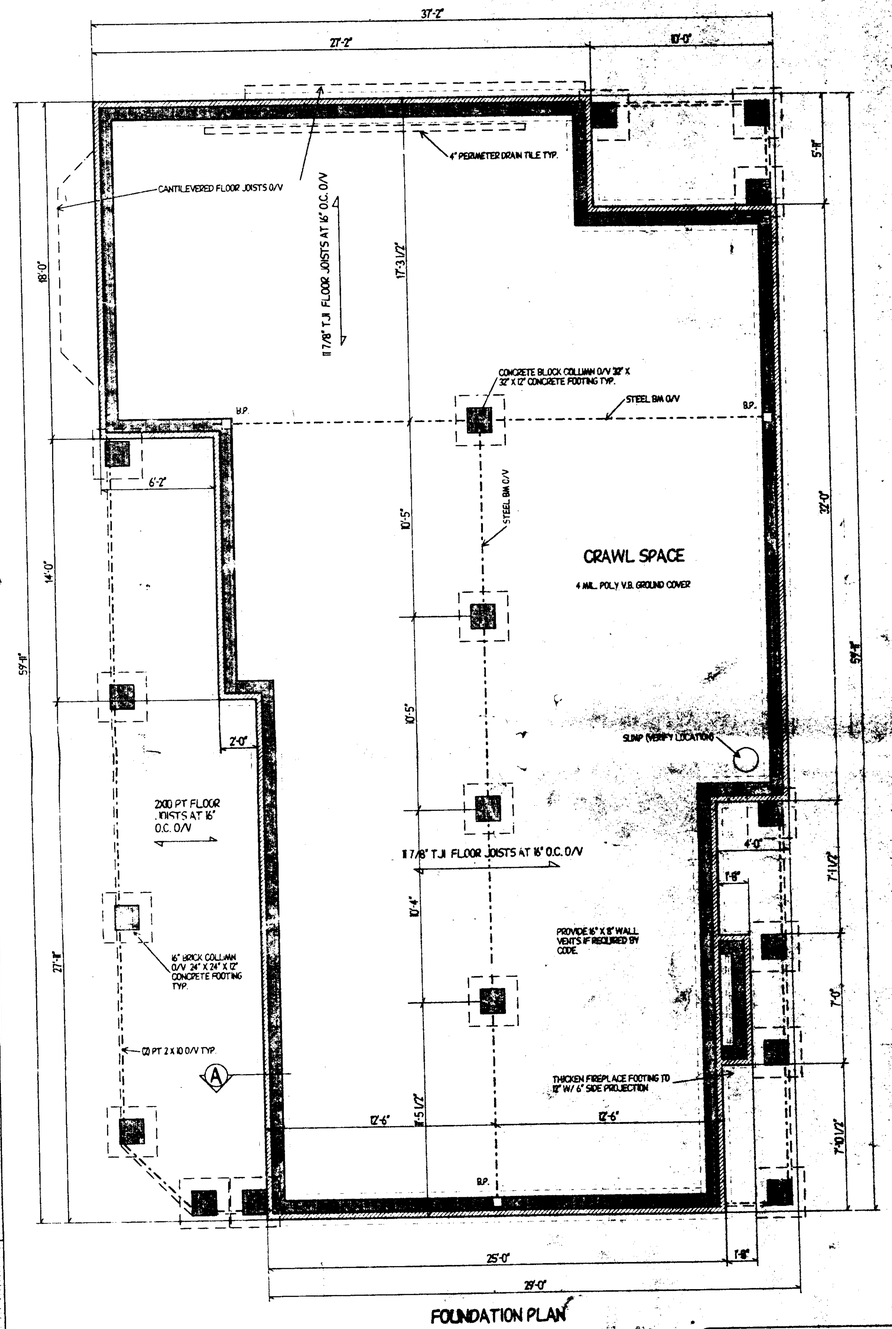




FIRST FLOOR PLAN

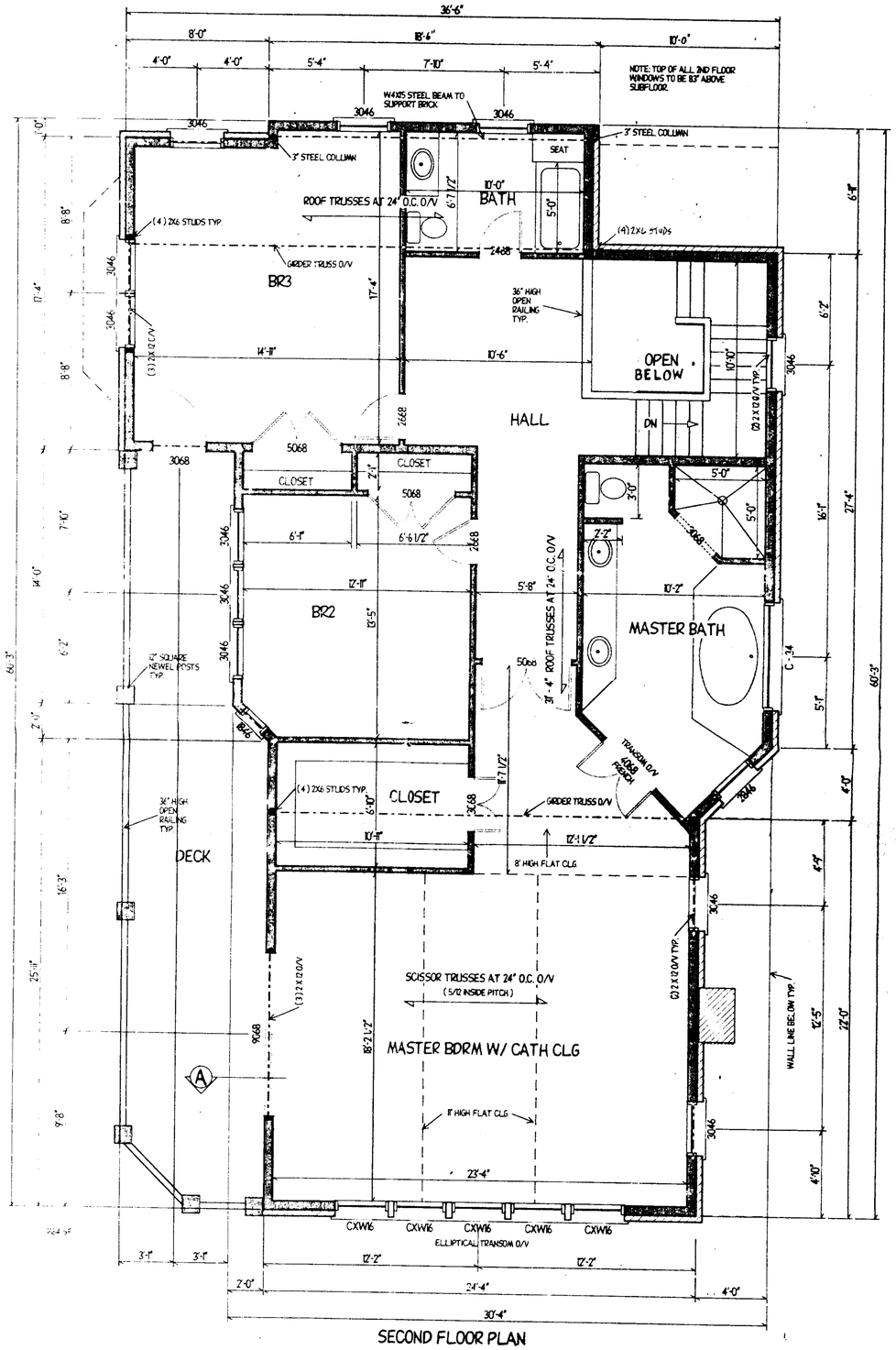


ROOF PLAN (NO SCALE)

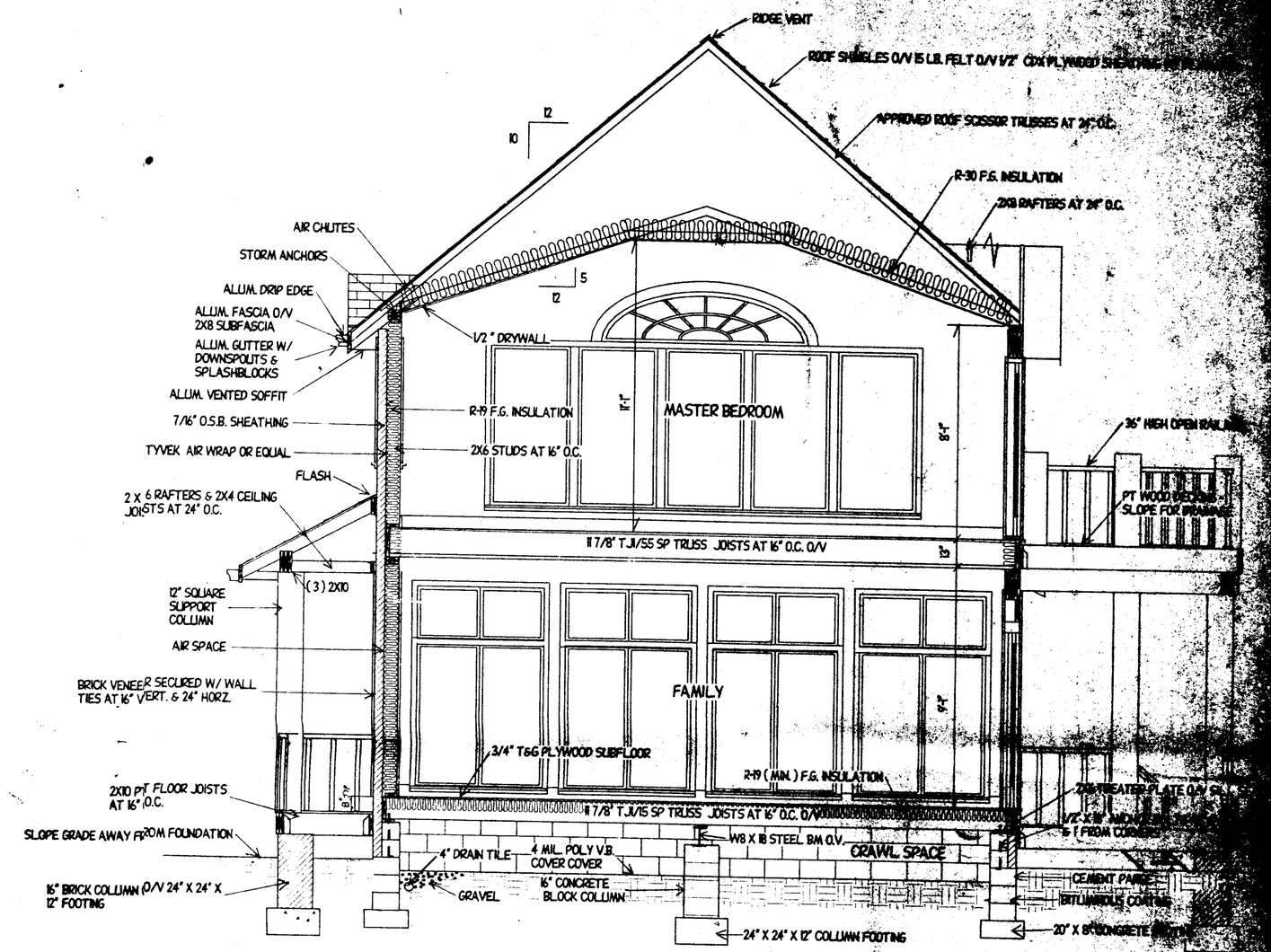


FOUNDATION PLAN

MARK ELLIOTT BUILDERS	
AYERS RESIDENCE	
SCALE: 1/4" = 1'-0"	DRAWN BY
DATE: 4-20-98	
FOUNDATION & FIRST FLOOR PLANS	
SHEET 1 OF 3	



SECOND FLOOR PLAN



SECTION A (TYPICAL)

CONSTRUCTION NOTES:

1. EXTERIOR DIMENSIONS ARE TO EXTERIOR SHEATHING. INTERIOR DIMENSIONS ARE TO STUD FACE.
2. EXTERIOR WALLS TO BE 2X6 STUDS (6" ROUGH) AT 16" O.C. GARAGE WALLS TO BE 2X4 STUDS (4" ROUGH) AT 16" O.C. & INTERIOR WALLS TO BE 2X4 STUDS (3 1/2" ROUGH) AT 16" O.C. UNLESS NOTED OTHERWISE.
3. ALL STRUCTURAL WOOD BEAMS, HEADERS, JOISTS, & RAFTERS TO BE HEM-FIR NO. 2 OR BTR. UNLESS NOTED OTHERWISE.
4. WINDOWS TO BE ANDERSEN.
5. DOUBLE JACK (TRIMMER) STUDS UNDER BEARING WALL HEADERS FOR OPENINGS FROM 6 TO 8 FEET.
6. DOUBLE FLOOR JOISTS UNDER ALL PARALLEL WALL PARTITIONS INCLUDING END WALLS.
7. CONFIRM ALL DIMENSIONS SHOWN & BUILDING CODE REQUIREMENTS BEFORE CONSTRUCTION BEGINS.
8. NO STRUCTURAL DESIGN INTENDED. CONFIRM ALL BEAM, HEADER, JOIST & RAFTERS SIZES WITH A REGISTERED OR LICENSED ENGINEER.
9. PROVIDE SOLID WOOD BLOCKING UNDER ALL LOAD BEARING POINTS DOWN TO FOUNDATION.
10. ALL STAIRS SHOWN HAVE 9" TREADS W/ 1 1/8" NOSING.

STEEL LINTELS: (MIN. 4" BEARING)

MASONRY OPENINGS:	ANGLE SIZE:
UP TO 3'	3" X 3" X 1/2"
3' TO 7'	3 1/2" X 3 1/2" X 3/8"
7' TO 8'	3 1/2" X 3 1/2" X 3/8"
8' TO 10'	5" X 3 1/2" X 1/2"
10' TO 11'	4" X 4" X 1/2"
11' TO 15'	6" X 4" X 3/8"
15' TO 16'	6" X 4" X 1/2"

MARK ELLIOTT BUILDING

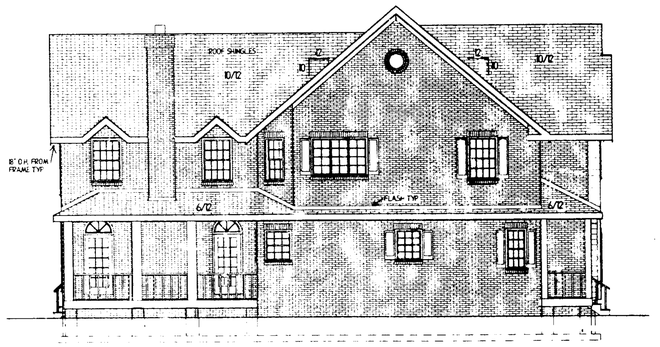
AYERS RESIDENCE

SCALE: 1/4" = 1'-0"

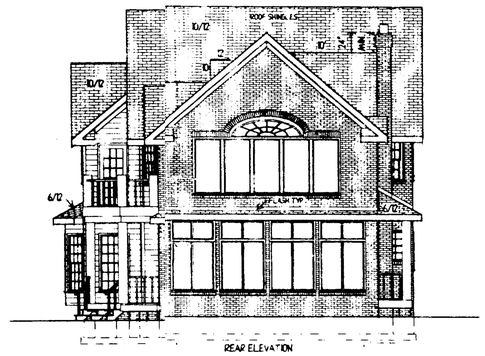
DATE: 4-28-98

SECOND FLOOR PLAN & TYPICAL

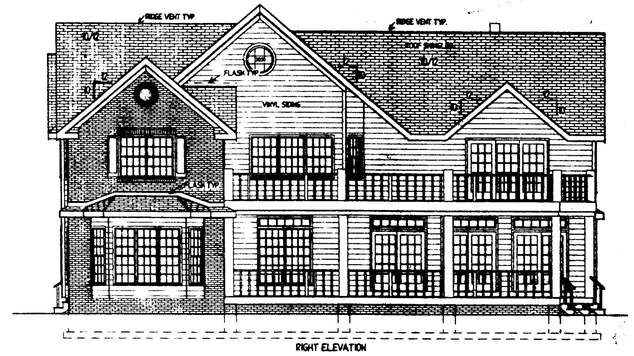
SHEET 2 OF 3



LEFT ELEVATION

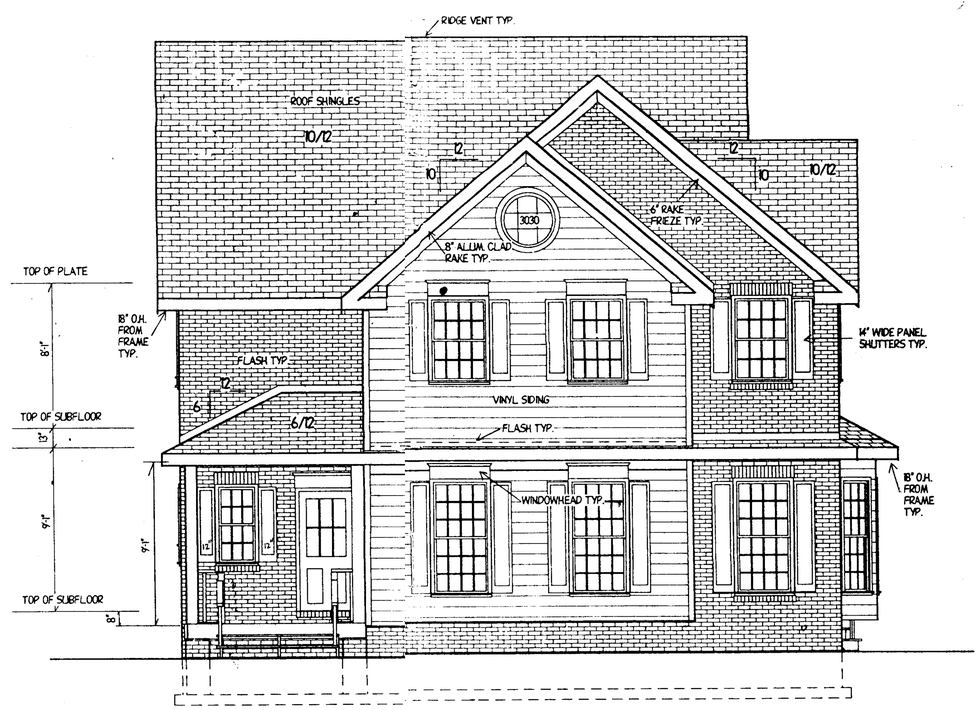


REAR ELEVATION



RIGHT ELEVATION

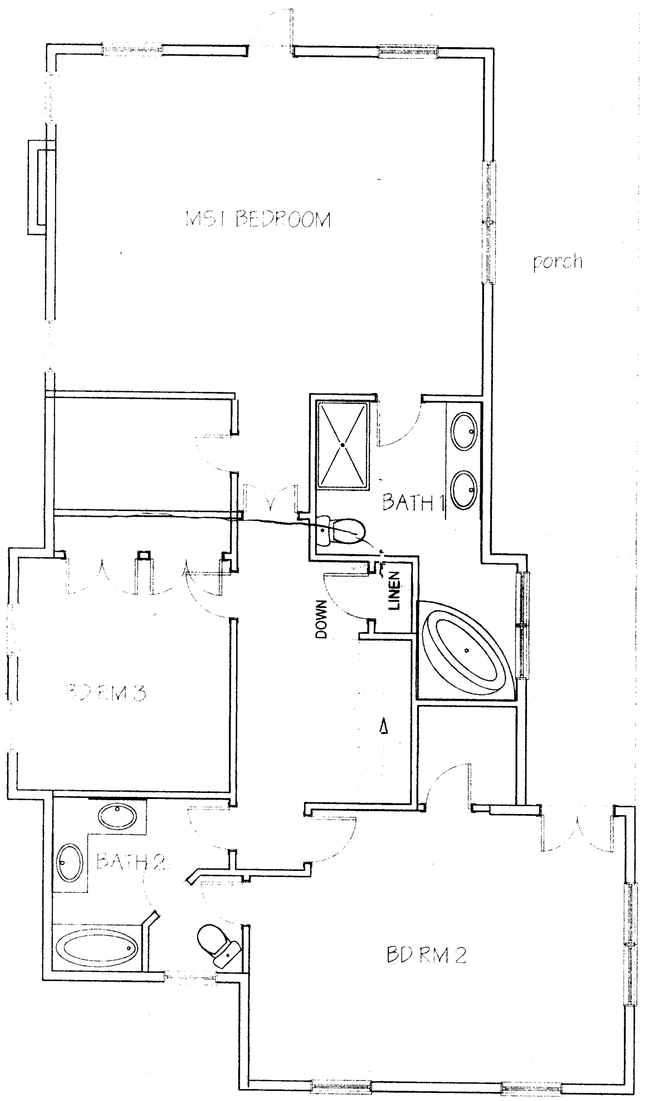
SCALE: 1/8" = 1'-0"



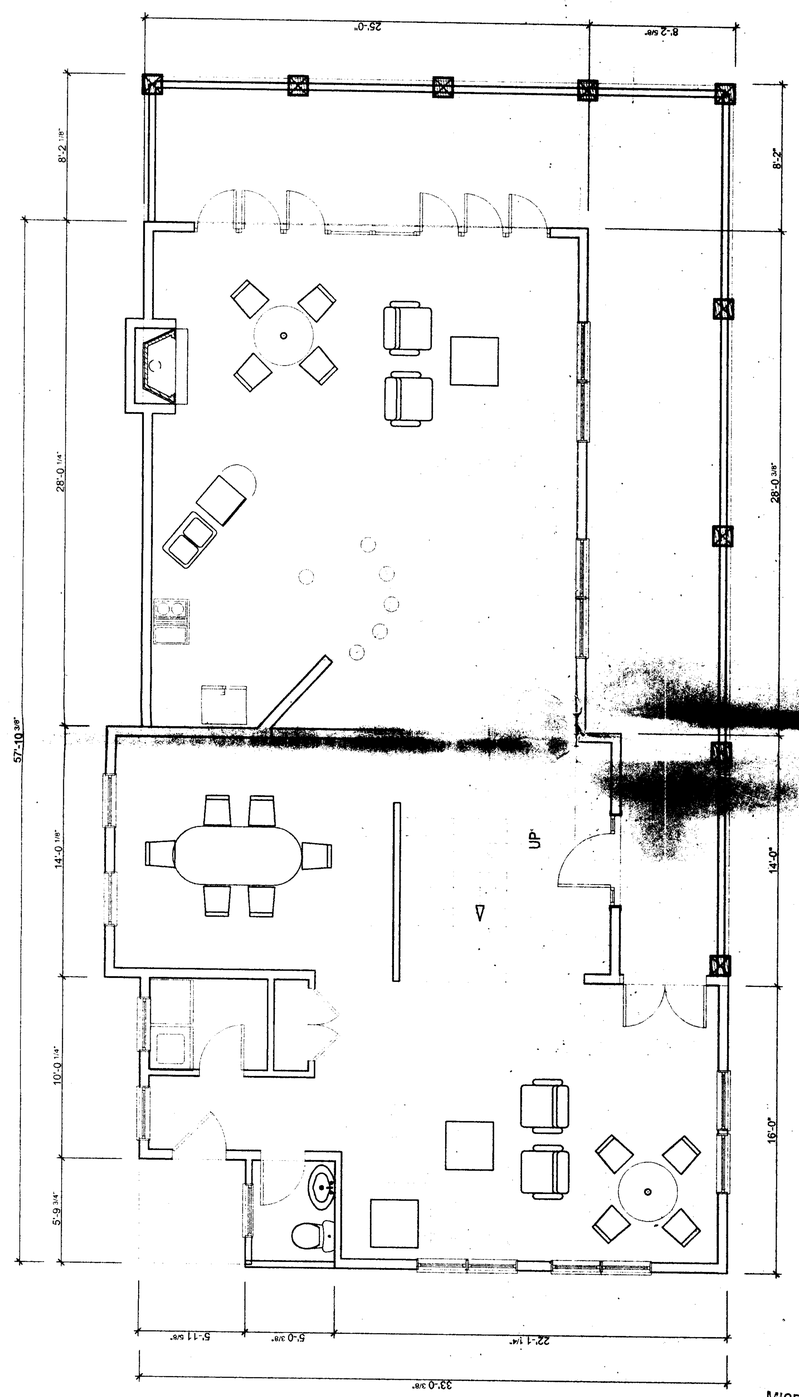
FRONT ELEVATION

Pet No 9
3/25

MARK ELLIOTT BUILD	
AYERS RESIDENCE	
SCALE: 1/4" = 1'-0"	
DATE: 4-20-98	
ELEVATIONS	
SHEET 3 OF 3	



First Floor



MICROFILMED

Hon Ex 2
3/26/99

97-377-SPHA

Sterling Design Group, Ltd
ARCHITECTURAL DESIGNERS

REVIEWED BY
DESIGN COORDINATOR
PRINCIPAL
ENGINEER

AYRES RESIDENCE

A3

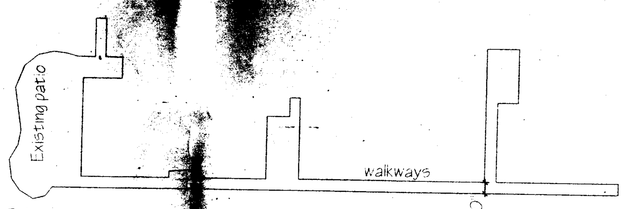
Sterling Design Group, Ltd
ARCHITECTURAL DESIGNERS

REVIEWED BY
DESIGN COORDINATOR
PRINCIPAL
ENGINEER

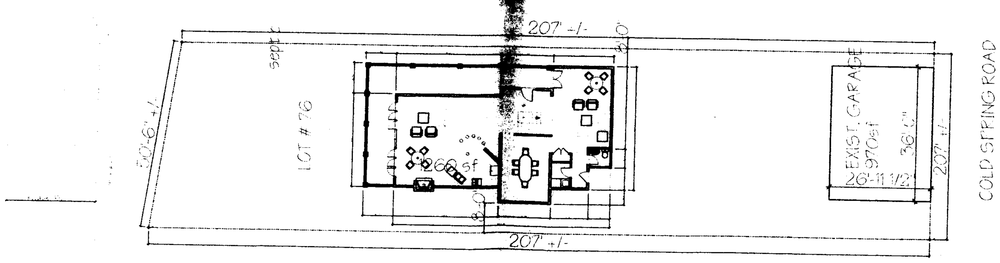
AYRES RESIDENCE

A1

97-377-SPHA



Existing concrete patios, walkways and aprons = 1525 sf +/-
to be removed



NORTH

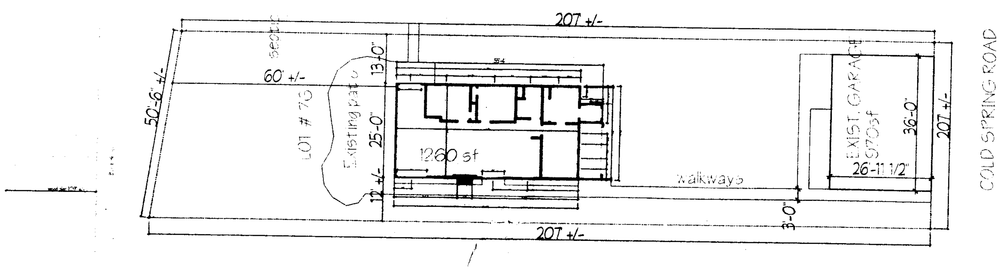
LOT #77

lot size 10,190 sf +/-

Existing coverage = 3755 sf or 37.85 %

Proposed coverage = 3148 sf or 30.9 %

LOT # 75



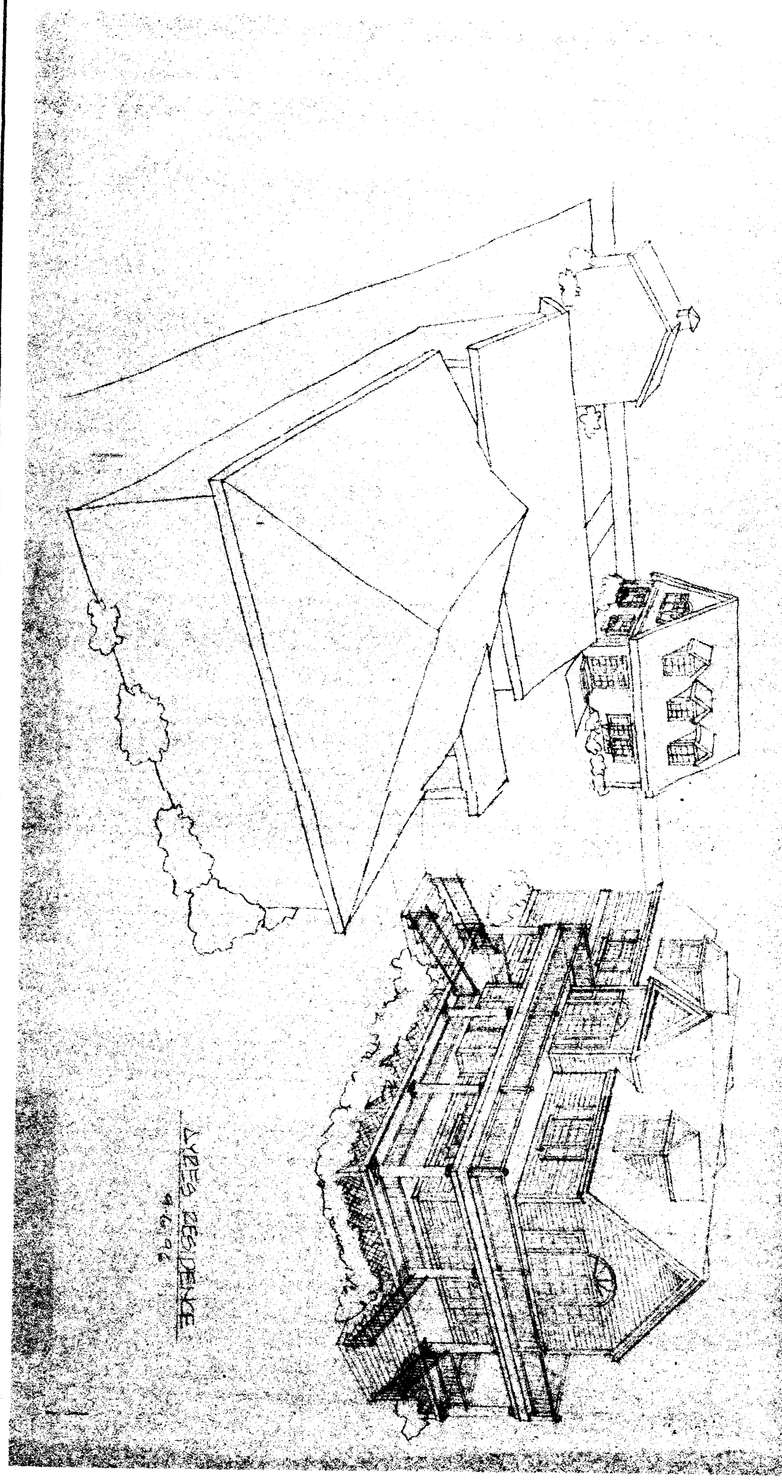
NORTH

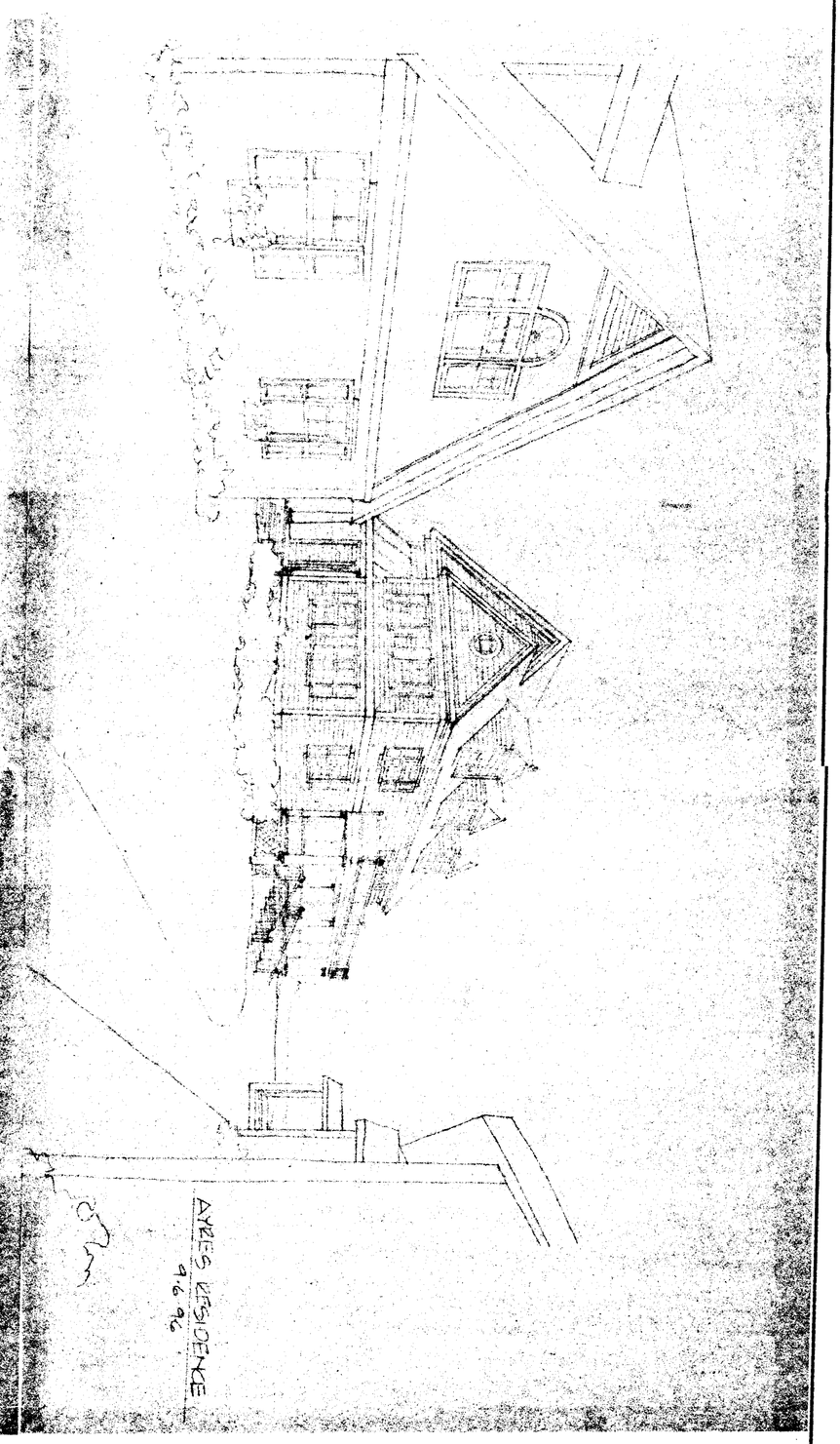
LOT #77

Existing concrete patios, walkways and aprons = 1525 sf +/-

lot size 10,190 sf +/-

Existing coverage = 3755 sf or 37.85 %





A2

AYRES
RESIDENCE

SCALE: 1/4"=1'-0"
DATE: 10/25/96
REVISED:
REVIEWED BY
DESIGN COORDINATOR
PRINCIPAL
ENGINEER

Sterling Design Group, Ltd
ARCHITECTURAL DESIGNERS
326 First Street Suite 38 Annapolis, MD 21403 410-267-7016 410-267-0421 800-433-0016

RECEIVED
MAR 10 1997
OFFICE OF PLANNING

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Cold Spring Road, 100 ft. +/- W of Chesapeake Avenue
1027 Cold Spring Road
15th Election District
5th Councilmanic District
W. Howard Ayres, et ux, Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-377-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property located at 1027 Cold Spring Road, in the Middle River community of Baltimore County. The Petition was filed by W. Howard Ayres and Marsha L. Ayres, his wife, property owners. Special hearing relief is requested to approve and confirm the density for an area not being affected by the replacement of an existing dwelling. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 4.5 ft. and 8 ft., in lieu of the required 50 ft. The Petition for Variance also seeks other relief as may be necessary, pursuant to Section 304 of the BCZR. All of the requested relief and subject property are more particularly shown on the site plan, received into evidence as Petitioners' Exhibit No. 1.

Appearing and testifying at the requisite public hearing held for this case were W. Howard Ayres and Marsha L. Ayres, property owners/-Petitioners. There were no Protestants or other interested persons present.

The subject property is a water front lot located adjacent to Cold Spring Road and Middle River/Galloway Creek in the Bowleys Quarters section of Baltimore County. Apparently, the Ayres family has owned the subject property, as well as other nearby lots for many years. In fact, Mr. Ayres indicated that members of his family live in the vicinity,

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Date 4/29/97
By

including immediately next door at 1023 Cold Spring Road. The subject property is known as 1027 Cold Spring Road and is 50 ft. in width and approximately 200 ft. in depth. The property is zoned R.C.5. It is presently improved with an existing 1-1/2 story family dwelling, which is approximately 60 years old. The property also features a detached garage, which is immediately adjacent to Cold Spring Road. Apparently, the house, although occupied, is in need of repair due to its age. Rather than undertake these repairs which would be quite costly, the Petitioners have decided to raze the dwelling and construct a single family house in its place. The proposed new dwelling will be essentially in the same building footprint as the old dwelling and elevation drawings were submitted which describe the new structure. It is of note that these dwellings have been submitted to the Office of Planning, pursuant to the requirements of Section 304 and have been approved as appropriate for the neighborhood. During the period of construction, the Petitioners will reside in the dwelling on the property immediately next door at 1023 Cold Spring Road. That property is also owned by Mr. and Mrs. Ayres, however, presently occupied by other members of their family.

Information within the file also demonstrates that this is an older water front community in Baltimore County. As is the case with many such communities, the building lots were laid out many years ago, prior to the adoption of the BCZR. The subject property and other lots are each 50 ft. wide, below the minimum required by the BCZR. Moreover, in view of the property's zoning classification (R.C.5) the Petitioners cannot meet the setback requirements. Those setback regulations require a side yard setback of 50 ft. Obviously, this setback cannot be met in that the property itself is only 50 ft. wide.

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Date 4/29/97
By

Based upon the testimony and evidence presented, all of which is uncontradicted, I am persuaded to grant the zoning relief which is being requested. The construction of a new dwelling to replace the old represents an upgrade to the property and neighborhood. No additional dwelling units are being proposed and the property is not being subdivided. In my judgment, the Petition for Special Hearing should be granted in that it is clear that no additional "density" is being utilized.

The Petition for Variance will also be granted. Obviously, given the dimenciens and size of the lot, the side yard setbacks cannot be maintained. The proposed setbacks are reasonable and in keeping with the existing structure and neighborhood. I find that the Petitioners have satisfied the requirements of Section 307 of the BCZR.

Notwithstanding the grant of this relief, same shall be conditioned by several restrictions. In that this is a waterfront lot, the Chesapeake Bay Critical Area Regulations apply, as do the floodplain regulations. The Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and Development Plans Review Division shall be incorporated.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of April 1997 that, pursuant to the Petition for Special Hearing, approval to confirm that the density for an area is not being affected by the replacement of an existing dwelling, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of

ORDER RECEIVED FOR FILING
Date
By

4.5 ft. and 8 ft., in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that a variance Section 304 of the BCZR also seeks other relief as may be necessary, be and is hereby GRANTED; subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division, dated March 24, 1997, (copy attached) which are adopted in their entirety and made a part of this Order.

3. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management (DEPRM) as set forth in their comments dated March 26, 1997, attached hereto and made a part thereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date
By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: March 24, 1997

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 24, 1997
Item 377

The Development Plans Review Division has reviewed the subject zoning item.

Cold Spring Road is an existing road which shall ultimately be improved as a 30 foot paving street cross section on a 40 foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate D19 in the Baltimore County Design Manual, adopted 1983 and revised February, 1985.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The flood protection elevation (FPE) for this site is 11.2 feet.

RWB:HJO:cab

cc: File

ZONE324.377

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

April 28, 1997

Mr. and Mrs. W. Howard Ayres
1027 Cold Spring Road
Baltimore, Maryland 21220

RE: Petitions for Special Hearing and Variance
Property: 1027 Cold Spring Road
Case No. 97-377-SPHA

Dear Mr. and Mrs. Ayres:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
c: John J. Fedas, Sterling Design Group, Ltd.
326 First St., Annapolis, Md. 21403
att.

Printed with Soybean Ink on Recycled Paper

377

Petition for Special Hearing

97-377-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at 1027 Cold Spring Road Lot #76 Baltimore MD which is presently zoned R.C.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To Confirm that density for an area is not being affected by the replacement of an existing dwelling

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Legal Owner(s):
W. Howard & Marsha L. Ayres
(Type or Print Name)
X W. Howard Ayres
Signature
(Type or Print Name)
X Marsha L Ayres
Signature
1027 Cold Spring Rd 410 335 7773
Address Phone No.
Baltimore MD 21220-1425
City State Zipcode
Name, Address and phone number of representative to be contacted.
John J. Fedas
Sterling Design Group, Ltd.
Name
326 First Street Annapolis MD 21403
Address 410-267-7016 Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

377

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1027 Cold Spring Rd lot #76 which is presently zoned R.C.5.

97-377-SPHA

This Petition shall be filed with the Department of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 to permit side yard building setbacks of 4.5 feet and 8.0 feet in lieu of required 50 feet and Section no. 304 to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

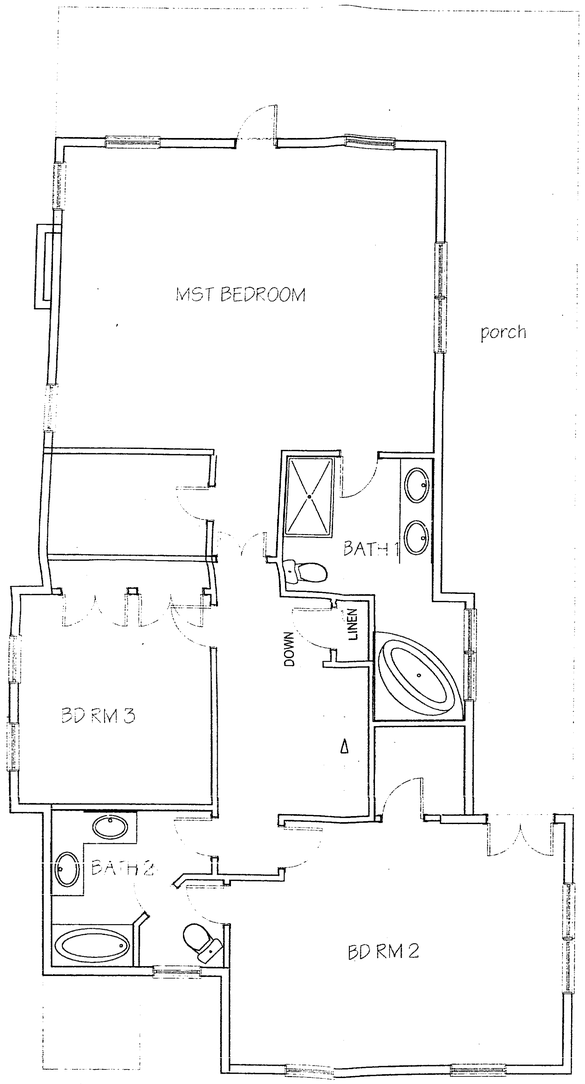
Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

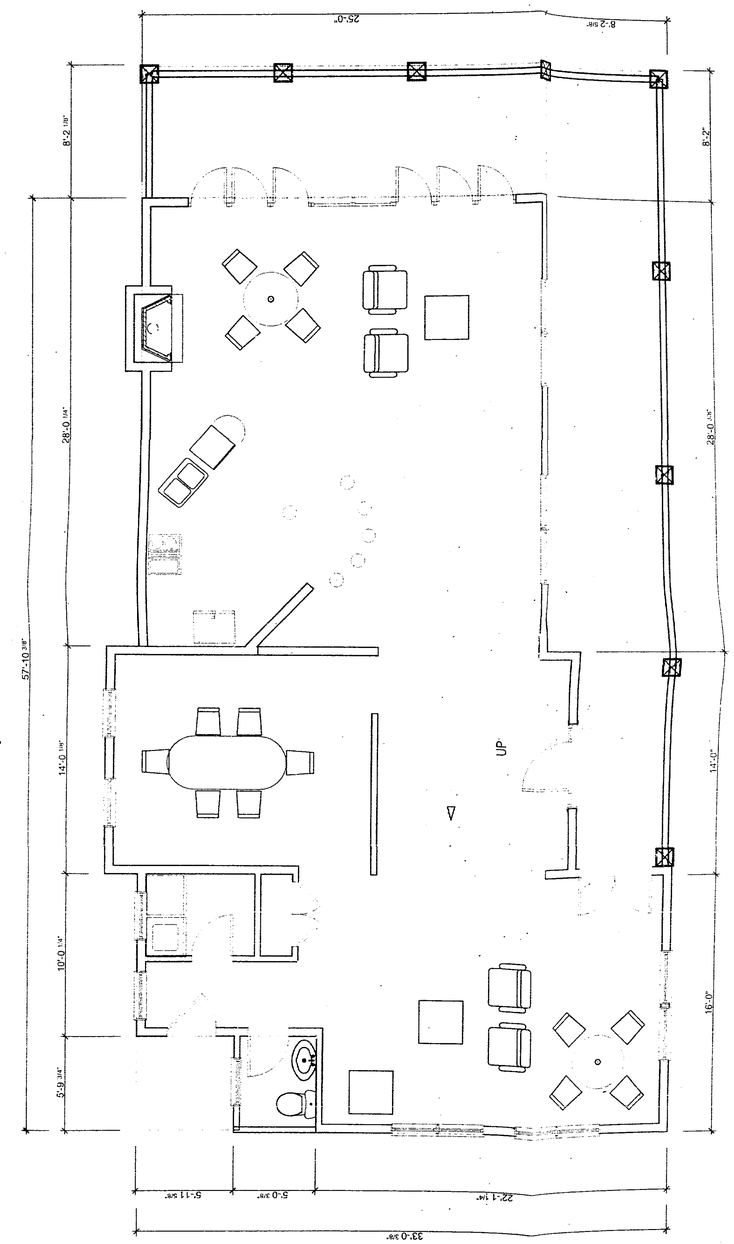
Legal Owner(s):
W. Howard & Marsha L. Ayres
(Type or Print Name)
X W. Howard Ayres
Signature
(Type or Print Name)
X Marsha L Ayres
Signature
1027 Cold Spring Road 410 335 7773
Address Phone No.
Baltimore MD 21220-1425
City State Zipcode
Name, Address and phone number of representative to be contacted.
John J. Fedas
Sterling Design Group, Ltd.
Name
326 First St. Annapolis MD 21403
Address 410 267 7016 Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

Printed with Soybean Ink on Recycled Paper
Revised 9/5/95



Second Floo



First Floor

97-377-SPHA

Sterling Design Group, Ltd
ARCHITECTURAL DESIGNERS
326 First Street Suite 38 Annapolis, MD 21403 410-267-7016 410-267-0421 800-433-0016

SCALE: 1/4 =1'-0"
DATE: 10/25/96
REVISED:
REVIEWED BY:
DESIGN COORDINATOR
PRINCIPAL
ENGINEER

AYRES RESIDENCE

A3

RECEIVED
MAR 10 1997
KGRI

Petition for Variance
Zoning Commissioner
Baltimore, MD

97-377-SPHA

Attachment
1027 Cold Spring Road
Baltimore MD 21220-4425

Marsha and Howard Ayres grew up in this neighborhood, and Marsha Ayres is a Principle of the Sandlewood Elementary School. Their Desire is to live permanently at this address.

This structure is unsafe, and unsound, and does not meet current codes for ceiling heights in some bedrooms, and egress areas. The wiring is not to code, and bedrooms do not meet fire egress requirements. The roof is not weather tight nor sound, the walls are not plumb, and they do not meet required insulation codes. Heating, ventilation, and air conditioning are substandard.

The cost of patching up this dwelling will substantially exceed 50% of accessed value, thus requiring it to meet flood area requirements. Raising this building 2.6 feet to meet flood plan requirements will not only expose it to further destructive forces, but the foundation will have to be replaced at great expense.

All of this will still not leave the owners with adequate space for their large family, or storage requirements.

This is a uniquely narrow 50.0 foot lot in a neighborhood of 50 foot lots, with varying setbacks, all non-conforming as a result of R.C.5. zoning imposed on it some time after the dwelling was first built. No owner can expand anywhere along this street and meet the 50 foot side yard requirements if they wish to dwell in a reasonable safe dwelling with normal sized rooms, and egresses.

This is not a density issue, as we would like to replace an existing single family dwelling with a new single family dwelling.

Height and parking regulations will not be effected.

Expansion of this dwelling should impose no hardship on any neighbors, and four of the homes on this street are owned by family members. The character of this neighborhood will not be adversely affected by these improvements, and the public welfare and safety will be improved.

John J. Fedas
[signature]
Sterling Design Group, Ltd.
President

MAR-03-'97 MON 11:27 ID:BALTO CO PERMITS&LIC TEL NO:301-887-2824 #788 P01

377 SHEET 1 OF 2

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 377

Petitioner: Howard Ayres

Location: Essex MD Cold Spring Rd #1027

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John Fedas - Sterling Design Group

ADDRESS: 5 Milkshake Lane
Annapolis MD 21403

PHONE NUMBER: 410 267 7016

FAX TO: 410 267-6049 3/3/97

AJ:ggs FROM: JOHN LEWIS; ATTN: TO JOHN FEDAS, (Revised 09/24/96)

JOHN F.: YOU MUST FILL OUT AND FAX BACK TO ME AT 887 2824 (AREA CODE 410) ONCE RECIEVED I WILL ACCEPT FILING PACKAGE. YOU MUST PICK UP SIGN POSTING PAPERWORK AT THIS OFFICE ASAP. ONCE FILING ACCEPTED, A SIGN MUST BE POSTED BY ONE OF THE SIGN POSTERS WITHIN 10 DAYS, SEE LIST SHT 2.

Printed with Soybean Ink

NOTICE OF HEARING

The Zoning Commissioner 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: #97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100' +/- W of Chesapeake Avenue
15th Election District
5th Councilmanic
Legal Owner(s):
W. Howard Ayres and Marsha L. Ayres
Special Hearing: to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance: to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.
Hearing: Monday, April 7, 1997 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

3/245 March 20 C127929

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/20, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/20, 1997.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

377 JLL No. 032674

DATE 3/7/97 ACCOUNT R0016150

AMOUNT $ 100.00

RECEIVED FROM: AYRES

FOR: FILING-RES SPH AND VAR

03A91#0314MICHRC $100.00
BA C002:41PM03-07-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-377-SPHA

Petitioner/Developer: H.W. AYRES, ETAL
c/o MR FETTAS - 267-7016 / 267-6049 F

Date of Hearing/Closing: 4/7/97
AT 2:00 PM
RM. 118 - O.C.H.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

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 #1027 COLD SPRING RD. (BULLEYS QUARTERS)

The sign(s) were posted on 3/21/97
(Month, Day, Year)

Sincerely,

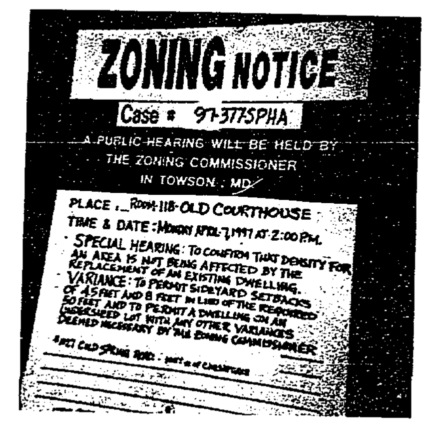
Patrick M. O'Keefe 3/21/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
(Telephone Number)



97-377 SPHA

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 3/16/97.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-377-SPHA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: ______

DATE AND TIME: ______

REQUEST: A SPECIAL HEARING TO CONFIRM THAT DENSITY IS NOT BEING AFFECTED BY THE REPLACEMENT OF A DWELLING AND VARIANCES TO PERMIT SIDE DWELLING SETBACKS OF 4½ AND 8 FT IN LIEU OF THE REQUIRED 50 FT AS WELL AS ANY VARIANCES DEEMED NECESSARY BY THE ZONING COMMISSIONER AND TO APPROVE AN UNDERSIZE LOT

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

TO: PUTUXENT PUBLISHING COMPANY
March 20, 1997 Issue - Jeffersonian

Please foward billing to:

John Fedas
Sterling Design Group
5 Milkshake Lane
Annapolis MD 21403
267-7016

NOTICE OF HEARING

The Zoning Commissioner 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: 97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100'+/- W of Chesapeake Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): W. Howard Ayres and Marsha L. Ayres

Special Hearing to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.

HEARING: MONDAY, APRIL 7, 1997 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 13, 1997

NOTICE OF HEARING

The Zoning Commissioner 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: 97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100'+/- W of Chesapeake Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): W. Howard Ayres and Marsha L. Ayres

Special Hearing to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.

HEARING: MONDAY, APRIL 7, 1997 at 2:00 p.m. in Room 118, Old Courthouse.

[signature]
Arnold Jablon
Director

cc: W. Howard and Marsha L. Ayers
John Fedas

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 23, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 31, 1997

Mr. and Mrs. Howard Ayres
1027 Cold Spring Road
Baltimore, MD 21220-4425

RE: Item No.: 377
Case No.: 97-377-SPHA
Petitioner: Howard Ayres, et ux

Dear Mr. and Mrs. Ayres:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 7, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: March 24, 1997

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 24, 1997
Item 377

The Development Plans Review Division has reviewed the subject zoning item.

Cold Spring Road is an existing road which shall ultimately be improved as a 30 foot paving street cross section on a 40 foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate D19 in the Baltimore County Design Manual, adopted 1983 and revised February, 1985.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The flood protection elevation (FPE) for this site is 11.2 feet.

RWB:HJO:cab

cc: File

ZONE324.377

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management

DATE: March 13, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 1027 Cold Spring Road

INFORMATION:

Item Number: 377

Petitioner: Ayres Property

Property Size:

Zoning: RC-5

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The Planning Office does not object to the applicant's request provided that a dwelling is, in fact, being replaced.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Ness

AFK/JL:rdn

ITEM377/PZONE/ZAC1

____ Attach original petition

Due Date 3/26/97

To: Arnold L. Jablon

From: Bruce Seeley

Subject: Zoning Item #377
Ayres
Zoning Advisory Committee Meeting of March 17, 1997

___ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

___ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

___ Development of the property must comply with the Regulations for the Protection of Water Quality,Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

___ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Ground water management: septic design must be approved by DEPRM for new proposed single family dwelling.

jablon.doc

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County
Item No. 377

3-14-97
JLL

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

377

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

97-377-SPHA

TO: John Lewis
PDM

DATE: February 14, 1997

FROM: Eric Rockel
Bureau of Land Acquisition

Eric Rockel

SUBJECT: Coldspring Road 100 W. of Chesnut

This will confirm my investigation that Coldspring Road is shown on the subdivision plat as 30' wide.

ER:SW:an

Go to Room 113 - County office bldg.
Get 1 copy of our "Land Acquisition Manual" regarding road right of way acquisition procedures.

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE 1027 Cold Spring Rd, S/S Cold Spring Rd, 100'+/- W of Chesapeake Avenue 15th Election District, 5th Councilmanic	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
W. Howard Ayres and Marsha L. Ayres Petitioners	*	CASE NO. 97-377-SPHA

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to John J. Fedas, Sterling Design Group, Ltd., 326 1st Street, Annapolis, MD 21403, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

See Variance # 97-377 SPHA

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B_____
Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: **Undersized Lots**
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Print Name of Applicant: Howard and Marsha Ayres
Address: 1027 Cold Spring Rd. Balt. MD
Telephone Number: 410 335 7973

Lot Address: Lot # 76 (1027 Cold Spring Rd) Election District 15 Council District 5 Square Feet 10,175'±

Lot Location: side corner of Cold Spring Rd (street) 100'± feet from N E S W corner of CHESNUT RD. (street)

Land Owner: Same
Tax Account Number: 04-15-151320060-8752 3494892

Address: Same
Telephone Number: Same

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

	PROVIDED? YES	NO
1. This Recommendation Form (3 copies)	✓	
2. Permit Application		X
3. Site Plan Property (3 copies)	✓	
Topo Map (available at Rm 204 C.O.B.) (2 copies) (please label site clearly)	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly) Adjoining Buildings	✓	
Surrounding Neighborhood	✓	

Residential Processing Fee Paid
Codes (300-000 (685)
Accepted By: JAZM
Date: 3/17/97

RECEIVED
MAR 10 1997
OFFICE OF PLANNING

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

☑ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: Ervin McDaniel
for the Director, Office of Planning & Zoning

Date: 3/17/97

02/27/1997 04:00 4102678048 STERLING DESIGN GRP PAGE 02

VARIANCE 377

97-377-SPHA

Existing Dwelling

PHONE: 483-5150

KELLER & KELLER

State Registered Land Surveyors

LAND SURVEYS

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

SINCE 1924
15th ELECTION
5th COUNCIL

COLD SPRING ROAD 30' 100'± R.C.S.

N 89°37'W

50' 50'

#1023 #1029

Existing Frame Dwelling

Patio

#1027

Howard & Marsha Ayres

Protected Trees

Garage

Geodes & Chris Haynes

Note: This property is within the 100 year flood plain, and will fall under requirements for these regulations

1. SEPTIC UNDER BUILDING PERM
2. PUBLIC WATER
3. CRITICAL AREA
4. PRIOR ZONING HEARING NONE

Lot 75 & 76

Lot 77

Lot 76

60'

Bulkhead

BULKHEAD

OWNER
HOWARD & MARSHA AYRES

WATERFRONT

Deed Reference Balto. Co. 5369/5

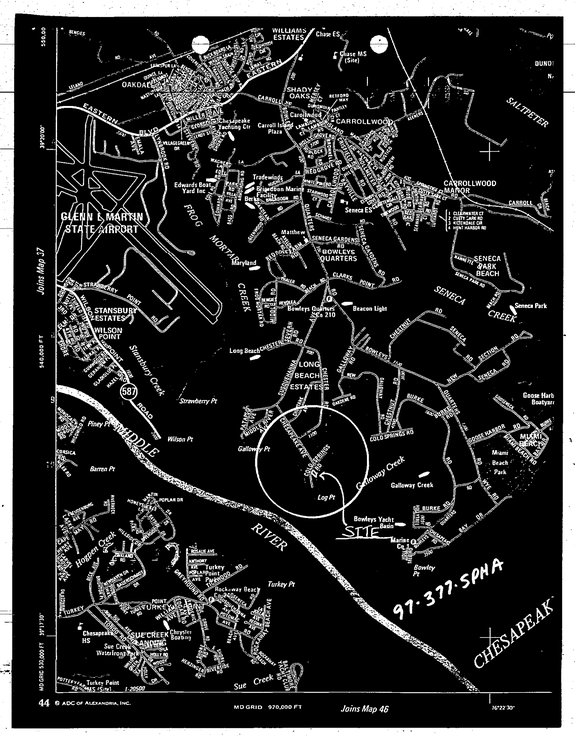
Lot # 76 "BOWLEY QUARTERS" Plat #7 Balto. Co. Plat Book W.P.C. No. 8, Folio 12

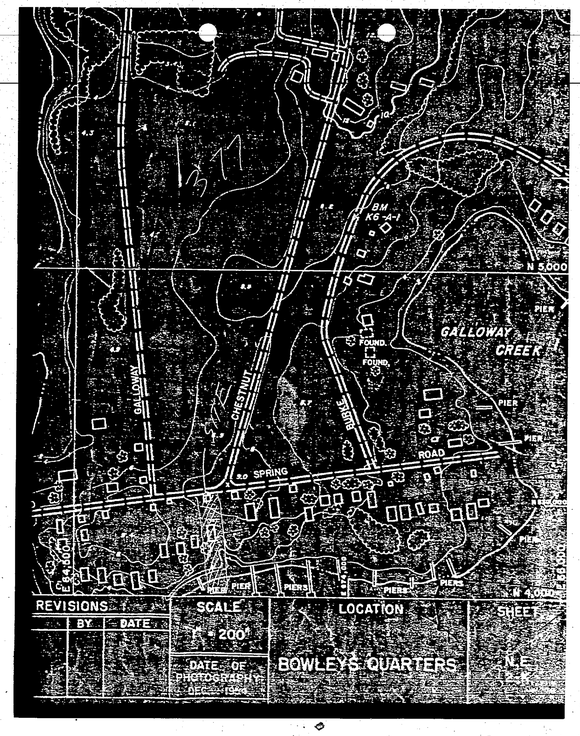
This is to Certify that we have this day made a Field Location Survey of 1027 Cold Spring Rd & that house and property lines are as shown on this Plat.

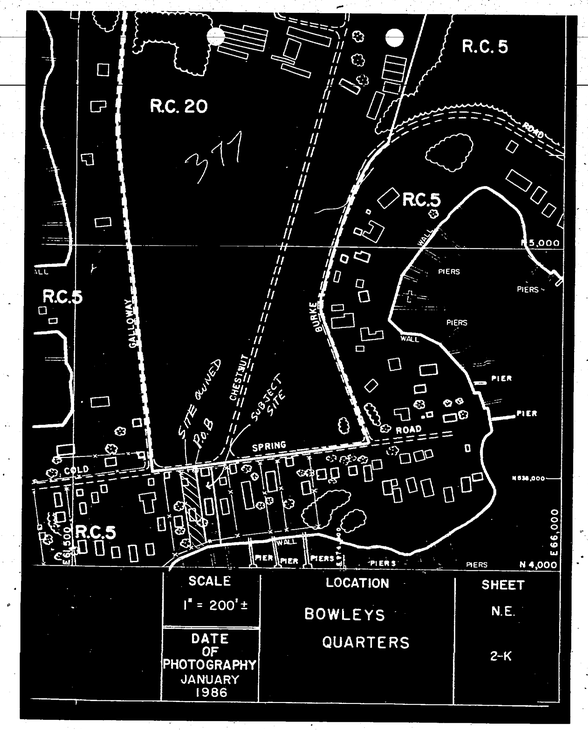
Scale: 1" = 40'

Date: 2/4/97

THIS PLAT IS INTENDED TO SHOW







FEB-14-97 FRI 11:59 MARSHFIELD-ROHR GASKET CO. FAX NO. 1301[illegible]154 P.01

97-377

97-377-SPHA

February 13, 1997

To Whom It May Concern:

We, the undersigned, being neighbors and abutters are not opposed to Howard and Marsha Ayres' petition for variance of their setbacks at 1027 Coldspring Road, Baltimore, Maryland 21220.

1025 COLD SPRING RD

Howard Ayres
1023 COLDSPRING ROAD

1021 COLD SPRING RD.

02/28/1997 08:37 4102876048 STERLING DESIGN GRP PAGE 01

97-910

TOCADA Sterling Design Group

Architectural Designers Construction Management

377

97-377-SPHA

Mr. John Lewis
Planning and Zoning
Baltimore County
Towson MD

Dear Mr. Lewis,

I Authorize Baltimore County to correct the proposed dwelling location on these petition plans as shown on this drawing, and I accept all responsibility for the accuracy of such location information.

Very Truly,

John P. Fedas
President

Post-it® Fax Note 7671	Date	# of pages ▶
To JOHN LEWIS	From	
Co./Dept. Planning	Co.	
Phone #	Phone #	
Fax # 410 887 2824	Fax #	

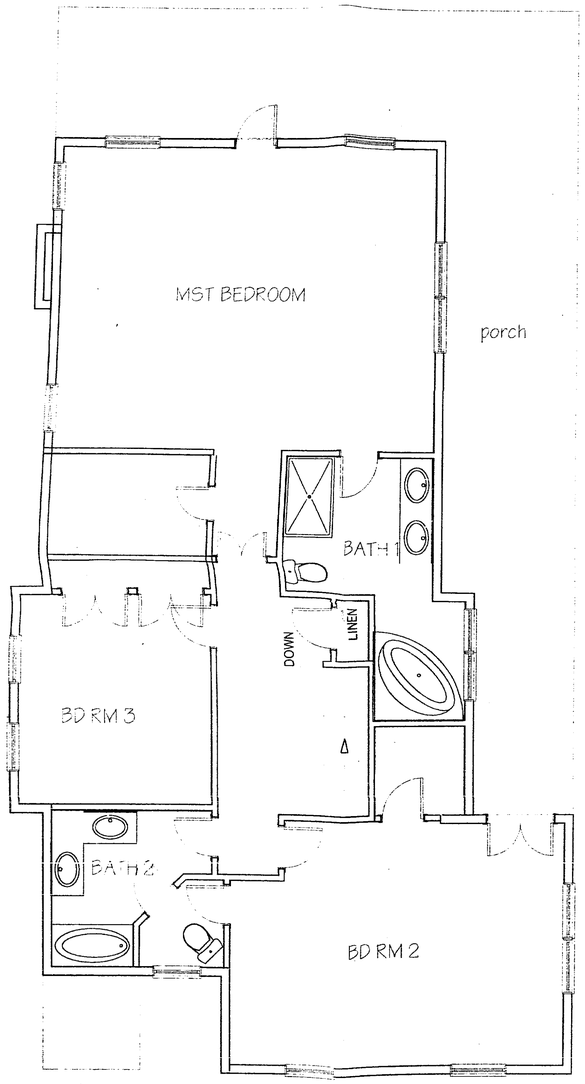
12-B3 President Point Drive Annapolis MD 21403
800-433-8016

PLEASE PRINT CLEARLY

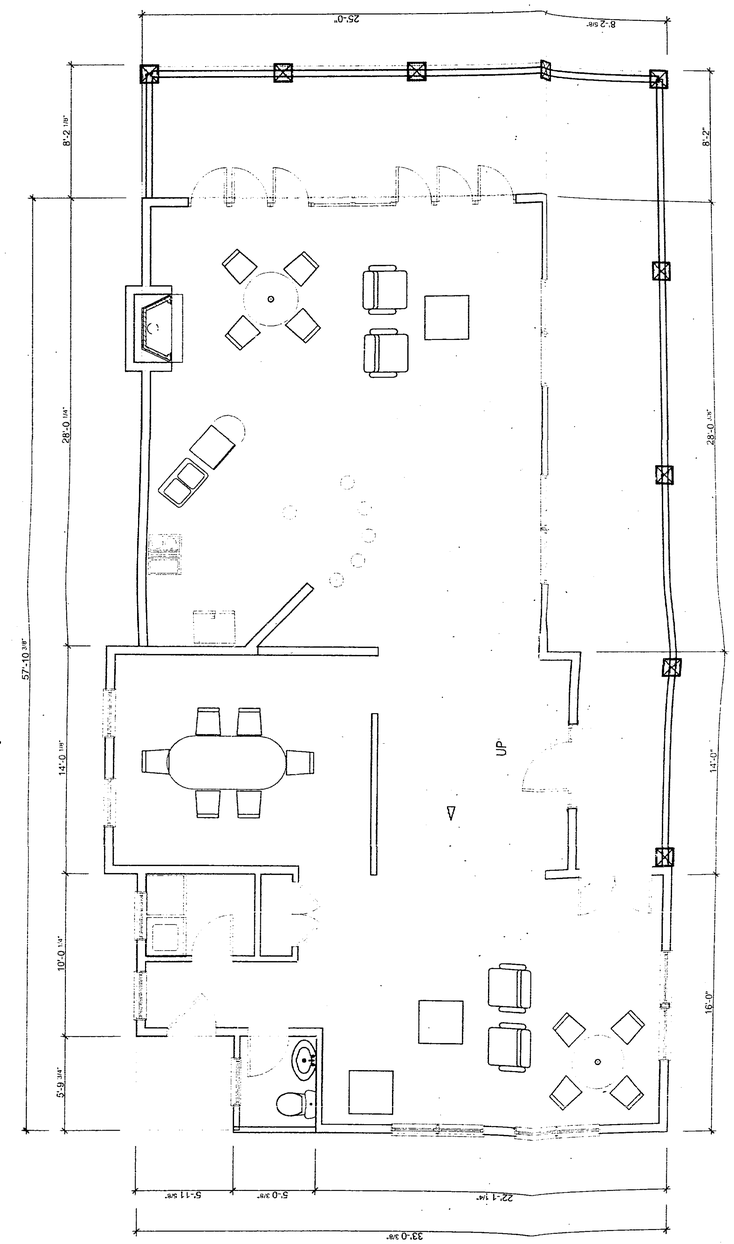
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
W. HOWARD AYRES	1027 COLD SPRING ROAD
MARSHA L. AYRES	BALTIMORE MARYLAND 21220

Printed with Soybean Ink on Recycled Paper



Second Floo



First Floor

97-377-SPHA

Sterling Design Group, Ltd
ARCHITECTURAL DESIGNERS
326 First Street Suite 38 Annapolis, MD 21403 410-267-7016 410-267-0421 800-433-0016

SCALE: 1/4 =1'-0"
DATE: 10/25/96
REVISED:
REVIEWED BY:
DESIGN COORDINATOR
PRINCIPAL
ENGINEER

AYRES RESIDENCE

A3

RECEIVED
MAR 10 1997
KGRI

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Cold Spring Road, 100 ft. +/- W of Chesapeake Avenue
1027 Cold Spring Road
15th Election District
5th Councilmanic District
W. Howard Ayres, et ux, Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-377-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property located at 1027 Cold Spring Road, in the Middle River community of Baltimore County. The Petition was filed by W. Howard Ayres and Marsha L. Ayres, his wife, property owners. Special hearing relief is requested to approve and confirm the density for an area not being affected by the replacement of an existing dwelling. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 4.5 ft. and 8 ft., in lieu of the required 50 ft. The Petition for Variance also seeks other relief as may be necessary, pursuant to Section 304 of the BCZR. All of the requested relief and subject property are more particularly shown on the site plan, received into evidence as Petitioners' Exhibit No. 1.

Appearing and testifying at the requisite public hearing held for this case were W. Howard Ayres and Marsha L. Ayres, property owners/-Petitioners. There were no Protestants or other interested persons present.

The subject property is a water front lot located adjacent to Cold Spring Road and Middle River/Galloway Creek in the Bowleys Quarters section of Baltimore County. Apparently, the Ayres family has owned the subject property, as well as other nearby lots for many years. In fact, Mr. Ayres indicated that members of his family live in the vicinity,

ORDER RECEIVED FOR FILING
Date 4/29/97
By

including immediately next door at 1023 Cold Spring Road. The subject property is known as 1027 Cold Spring Road and is 50 ft. in width and approximately 200 ft. in depth. The property is zoned R.C.5. It is presently improved with an existing 1-1/2 story family dwelling, which is approximately 60 years old. The property also features a detached garage, which is immediately adjacent to Cold Spring Road. Apparently, the house, although occupied, is in need of repair due to its age. Rather than undertake these repairs which would be quite costly, the Petitioners have decided to raze the dwelling and construct a single family house in its place. The proposed new dwelling will be essentially in the same building footprint as the old dwelling and elevation drawings were submitted which describe the new structure. It is of note that these dwellings have been submitted to the Office of Planning, pursuant to the requirements of Section 304 and have been approved as appropriate for the neighborhood. During the period of construction, the Petitioners will reside in the dwelling on the property immediately next door at 1023 Cold Spring Road. That property is also owned by Mr. and Mrs. Ayres, however, presently occupied by other members of their family.

Information within the file also demonstrates that this is an older water front community in Baltimore County. As is the case with many such communities, the building lots were laid out many years ago, prior to the adoption of the BCZR. The subject property and other lots are each 50 ft. wide, below the minimum required by the BCZR. Moreover, in view of the property's zoning classification (R.C.5) the Petitioners cannot meet the setback requirements. Those setback regulations require a side yard setback of 50 ft. Obviously, this setback cannot be met in that the property itself is only 50 ft. wide.

ORDER RECEIVED FOR FILING
Date 4/29/97
By

Based upon the testimony and evidence presented, all of which is uncontradicted, I am persuaded to grant the zoning relief which is being requested. The construction of a new dwelling to replace the old represents an upgrade to the property and neighborhood. No additional dwelling units are being proposed and the property is not being subdivided. In my judgment, the Petition for Special Hearing should be granted in that it is clear that no additional "density" is being utilized.

The Petition for Variance will also be granted. Obviously, given the dimenciens and size of the lot, the side yard setbacks cannot be maintained. The proposed setbacks are reasonable and in keeping with the existing structure and neighborhood. I find that the Petitioners have satisfied the requirements of Section 307 of the BCZR.

Notwithstanding the grant of this relief, same shall be conditioned by several restrictions. In that this is a waterfront lot, the Chesapeake Bay Critical Area Regulations apply, as do the floodplain regulations. The Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and Development Plans Review Division shall be incorporated.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of April 1997 that, pursuant to the Petition for Special Hearing, approval to confirm that the density for an area is not being affected by the replacement of an existing dwelling, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of

ORDER RECEIVED FOR FILING
Date
By

4.5 ft. and 8 ft., in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that a variance Section 304 of the BCZR also seeks other relief as may be necessary, be and is hereby GRANTED; subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division, dated March 24, 1997, (copy attached) which are adopted in their entirety and made a part of this Order.

3. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management (DEPRM) as set forth in their comments dated March 26, 1997, attached hereto and made a part thereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date
By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: March 24, 1997

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 24, 1997
Item 377

The Development Plans Review Division has reviewed the subject zoning item.

Cold Spring Road is an existing road which shall ultimately be improved as a 30 foot paving street cross section on a 40 foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate D19 in the Baltimore County Design Manual, adopted 1983 and revised February, 1985.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The flood protection elevation (FPE) for this site is 11.2 feet.

RWB:HJO:cab

cc: File

ZONE324.377

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

April 28, 1997

Mr. and Mrs. W. Howard Ayres
1027 Cold Spring Road
Baltimore, Maryland 21220

RE: Petitions for Special Hearing and Variance
Property: 1027 Cold Spring Road
Case No. 97-377-SPHA

Dear Mr. and Mrs. Ayres:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
c: John J. Fedas, Sterling Design Group, Ltd.
326 First St., Annapolis, Md. 21403
att.

Printed with Soybean Ink on Recycled Paper

377

Petition for Special Hearing

97-377-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at 1027 Cold Spring Road Lot #76 Baltimore MD which is presently zoned R.C.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To Confirm that density for an area is not being affected by the replacement of an existing dwelling

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Legal Owner(s):
W. Howard & Marsha L. Ayres
(Type or Print Name)
X W. Howard Ayres
Signature
(Type or Print Name)
X Marsha L Ayres
Signature
1027 Cold Spring Rd 410 335 7773
Address Phone No.
Baltimore MD 21220-1425
City State Zipcode
Name, Address and phone number of representative to be contacted.
John J. Fedas
Sterling Design Group, Ltd.
Name
326 First Street Annapolis MD 21403
Address 410-267-7016 Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

377

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1027 Cold Spring Rd lot #76 which is presently zoned R.C.5.

97-377-SPHA

This Petition shall be filed with the Department of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 to permit side yard building setbacks of 4.5 feet and 8.0 feet in lieu of required 50 feet and Section no. 304 to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Legal Owner(s):
W. Howard & Marsha L. Ayres
(Type or Print Name)
X W. Howard Ayres
Signature
(Type or Print Name)
X Marsha L Ayres
Signature
1027 Cold Spring Road 410 335 7773
Address Phone No.
Baltimore MD 21220-1425
City State Zipcode
Name, Address and phone number of representative to be contacted.
John J. Fedas
Sterling Design Group, Ltd.
Name
326 First St. Annapolis MD 21403
Address 410 267 7016 Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

Printed with Soybean Ink on Recycled Paper
Revised 9/5/95

Petition for Variance
Zoning Commissioner
Baltimore, MD

97-377-
SPHA

Attachment
1027 Cold Spring Road
Baltimore MD 21220-4425

Marsha and Howard Ayres grew up in this neighborhood, and Marsha Ayres is a Principle of the Sandlewood Elementary School. Their Desire is to live permanently at this address.

This structure is unsafe, and unsound, and does not meet current codes for ceiling heights in some bedrooms, and egress areas. The wiring is not to code, and bedrooms do not meet fire egress requirements. The roof is not weather tight nor sound, the walls are not plumb, and they do not meet required insulation codes. Heating, ventilation, and air conditioning are substandard.

The cost of patching up this dwelling will substantially exceed 50% of accessed value, thus requiring it to meet flood area requirements. Raising this building 2.6 feet to meet flood plan requirements will not only expose it to further destructive forces, but the foundation will have to be replaced at great expense.

All of this will still not leave the owners with adequate space for their large family, or storage requirements.

This is a uniquely narrow 50.0 foot lot in a neighborhood of 50 foot lots, with varying setbacks, all non-conforming as a result of R.C.5. zoning imposed on it some time after the dwelling was first built. No owner can expand anywhere along this street and meet the 50 foot side yard requirements if they wish to dwell in a reasonable safe dwelling with normal sized rooms, and egresses.

This is not a density issue, as we would like to replace an existing single family dwelling with a new single family dwelling.

Height and parking regulations will not be effected.

Expansion of this dwelling should impose no hardship on any neighbors, and four of the homes on this street are owned by family members. The character of this neighborhood will not be adversely affected by these improvements, and the public welfare and safety will be improved.

John J. Fedas
[signature]
Sterling Design Group, Ltd.
President

MAR-03-'97 MON 11:27 ID:BALTO CO PERMITS&LIC TEL NO:301-887-2824 #788 P01

Baltimore County
Department of Permits and
Development Management

377 SHEET 1 OF 2

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 377

Petitioner: Howard Ayres

Location: Essex MD Cold Spring Rd #1027

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John Fedas - Sterling Design Group

ADDRESS: 5 Milkshake Lane

Annapolis MD 21403

PHONE NUMBER: 410 267 7016

FAX TO: 410 267-6049 3/3/97

AJ:ggs FROM: JOHN LEWIS; ATTN: TO JOHN FEDAS, (Revised 09/24/96)

JOHN F: YOU MUST FILL OUT AND FAX BACK TO ME AT 887 2824 (AREA CODE 410) ONCE RECIEVED I WILL ACCEPT FILING PACKAGE. YOU MUST PICK UP SIGN POSTING PAPERWORK AT THIS OFFICE ASAP ONCE FILING ACCEPTED. A SIGN MUST BE POSTED BY ONE OF THE SIGN POSTERS WITHIN 10 DAYS, SEE LIST SHT 2.

Printed with Soybean Ink

NOTICE OF HEARING

The Zoning Commissioner 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: #97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100' +/- W of Chesapeake Avenue
15th Election District
5th Councilmanic
Legal Owner(s):
W. Howard Ayres and Marsha L. Ayres
Special Hearing: to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance: to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.
Hearing: Monday, April 7, 1997 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

3/245 March 20 C127929

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/20, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/20, 1997.

THE JEFFERSONIAN,

A. Henrickson
LEGAL AD. - TOWSON
[redacted]

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

377 JLL. No. 032674

DATE 3/7/97 ACCOUNT R0016150

AMOUNT $ 100.00

RECEIVED FROM: AYRES

FOR: FILING-RES SPH AND VAR

03A91#0314MICHRC $100.00
BA C002:41PM03-07-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-377-SPHA

Petitioner/Developer: H.W. AYRES, ETAL
c/o MR FETTAS - 267-7016 / 267-6049 F

Date of Hearing/Closing: 4/7/97
AT 2:00 PM
RM. 118 - O.C.H.

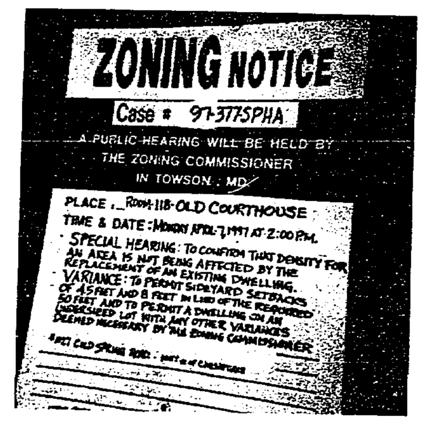
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

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 #1027 COLD SPRING RD.
(BULLEYS QUARTERS)

The sign(s) were posted on 3/21/97
(Month, Day, Year)



97-377 SPHA

Sincerely,

Patrick M. O'Keefe 3/21/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
(Telephone Number)

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 3/16/97.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-377-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ______

DATE AND TIME: ______

REQUEST: A SPECIAL HEARING TO CONFIRM THAT DENSITY IS NOT BEING AFFECTED BY THE REPLACEMENT OF A DWELLING AND VARIANCES TO PERMIT SIDE DWELLING SETBACKS OF 4½ AND 8 FT IN LIEU OF THE REQUIRED 50 FT AS WELL AS ANY VARIANCES DEEMED NECESSARY BY THE ZONING COMMISSIONER AND TO APPROVE AN UNDERSIZE LOT

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

TO: PUTUXENT PUBLISHING COMPANY
March 20, 1997 Issue - Jeffersonian

Please foward billing to:

John Fedas
Sterling Design Group
5 Milkshake Lane
Annapolis MD 21403
267-7016

NOTICE OF HEARING

The Zoning Commissioner 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: 97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100'+/- W of Chesapeake Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): W. Howard Ayres and Marsha L. Ayres

Special Hearing to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.

HEARING: MONDAY, APRIL 7, 1997 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 13, 1997

NOTICE OF HEARING

The Zoning Commissioner 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: 97-377-SPHA
1027 Cold Spring Road
S/S Cold Spring Road, 100'+/- W of Chesapeake Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): W. Howard Ayres and Marsha L. Ayres

Special Hearing to confirm that density for an area is not being affected by the replacement of an existing dwelling.
Variance to permit side yard setbacks of 4.5 feet and 8 feet in lieu of the required 50 feet and to permit a dwelling on an undersized lot with any other variance deemed necessary by the zoning commissioner.

HEARING: MONDAY, APRIL 7, 1997 at 2:00 p.m. in Room 118, Old Courthouse.

[signature]
Arnold Jablon
Director

cc: W. Howard and Marsha L. Ayers
John Fedas

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 23, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 31, 1997

Mr. and Mrs. Howard Ayres
1027 Cold Spring Road
Baltimore, MD 21220-4425

RE: Item No.: 377
Case No.: 97-377-SPHA
Petitioner: Howard Ayres, et ux

Dear Mr. and Mrs. Ayres:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 7, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: March 24, 1997

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 24, 1997
Item 377

The Development Plans Review Division has reviewed the subject zoning item.

Cold Spring Road is an existing road which shall ultimately be improved as a 30 foot paving street cross section on a 40 foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate D19 in the Baltimore County Design Manual, adopted 1983 and revised February, 1985.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The flood protection elevation (FPE) for this site is 11.2 feet.

RWB:HJO:cab

cc: File

ZONE324.377

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management

DATE: March 13, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 1027 Cold Spring Road

INFORMATION:

Item Number: 377

Petitioner: Ayres Property

Property Size:

Zoning: RC-5

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The Planning Office does not object to the applicant's request provided that a dwelling is, in fact, being replaced.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Ness

AFK/JL:rdn

ITEM377/PZONE/ZAC1

____ Attach original petition

Due Date 3/26/97

To: Arnold L. Jablon

From: Bruce Seeley

Subject: Zoning Item #377
Ayres
Zoning Advisory Committee Meeting of March 17, 1997

___ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

___ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

___ Development of the property must comply with the Regulations for the Protection of Water Quality,Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

___ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Ground water management: septic design must be approved by DEPRM for new proposed single family dwelling.

jablon.doc

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County
Item No. 377

3-14-97
JLL

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

377

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

97-377-SPHA

TO: John Lewis
PDM

DATE: February 14, 1997

FROM: Eric Rockel
Bureau of Land Acquisition

Eric Rockel

SUBJECT: Coldspring Road 100 W. of Chesnut

This will confirm my investigation that Coldspring Road is shown on the subdivision plat as 30' wide.

ER:SW:an

Go to Room 113 - County office bldg.
Get 1 copy of our "Land Acquisition Manual" regarding road right of way acquisition procedures.

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE 1027 Cold Spring Rd, S/S Cold Spring Rd, 100'+/- W of Chesapeake Avenue 15th Election District, 5th Councilmanic	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
W. Howard Ayres and Marsha L. Ayres Petitioners	*	CASE NO. 97-377-SPHA

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to John J. Fedas, Sterling Design Group, Ltd., 326 1st Street, Annapolis, MD 21403, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

See Variance # 97-377 SPHA

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B_____
Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: **Undersized Lots**
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Print Name of Applicant: Howard and Marsha Ayres
Address: 1027 Cold Spring Rd. Balt. MD
Telephone Number: 410 335 7973

Lot Address: Lot # 76 (1027 Cold Spring Rd) Election District 15 Council District 5 Square Feet 10,175'±

Lot Location: side corner of Cold Spring Rd (street) 100'± feet from N E S W corner of CHESNUT RD. (street)

Land Owner: Same
Tax Account Number: 04-15-151320060-8752 3494892

Address: Same
Telephone Number: Same

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

	PROVIDED? YES	NO
1. This Recommendation Form (3 copies)	✓	
2. Permit Application		X
3. Site Plan Property (3 copies)	✓	
Topo Map (available at Rm 204 C.O.B.) (2 copies) (please label site clearly)	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly) Adjoining Buildings	✓	
Surrounding Neighborhood	✓	

Residential Processing Fee Paid
Codes (300-000 (685)
Accepted By: JAZM
Date: 3/17/97

RECEIVED
MAR 10 1997
OFFICE OF PLANNING

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

☑ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: Ervin McDaniel
for the Director, Office of Planning & Zoning

Date: 3/17/97

02/27/1997 04:00 4102678048 STERLING DESIGN GRP PAGE 02

VARIANCE 377

97-377-SPHA

Existing Dwelling

PHONE: 483-5150

KELLER & KELLER

State Registered Land Surveyors

LAND SURVEYS

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

SINCE 1924
15th ELECTION
5th COUNCIL

COLD SPRING ROAD 30' 100'± R.C.S.

N 89°37'W

50' 50'

#1023 #1029

Existing Frame Dwelling

Patio

#1027

Howard & Marsha Ayres

Protected Trees

Garage

Geodes & Chris Haynes

Note: This property is within the 100 year flood plain, and will fall under requirements for these regulations

1. SEPTIC UNDER BUILDING PERM
2. PUBLIC WATER
3. CRITICAL AREA
4. PRIOR ZONING HEARING NONE

Lot 75 & 76

Lot 77

Lot 76

60'

Bulkhead

BULKHEAD

OWNER
HOWARD & MARSHA AYRES

WATERFRONT

Deed Reference Balto. Co. 5369/5

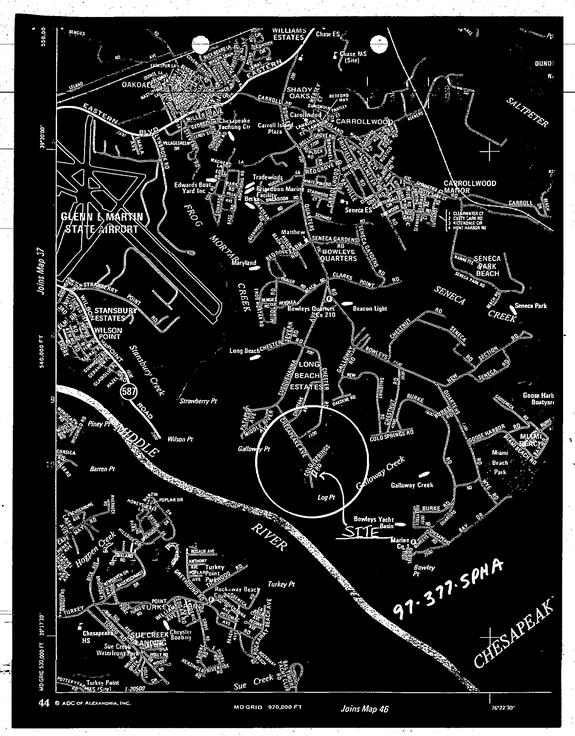
Lot # 76 "BOWLEY QUARTERS" Plat #7 Balto. Co. Plat Book W.P.C. No. 8, Folio 12

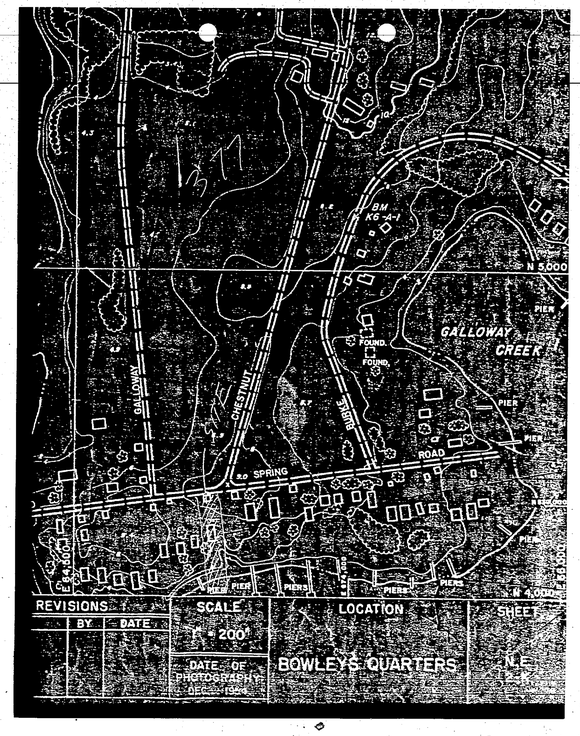
This is to Certify that we have this day made a Field Location Survey of 1027 Cold Spring Rd & that house and property lines are as shown on this Plat.

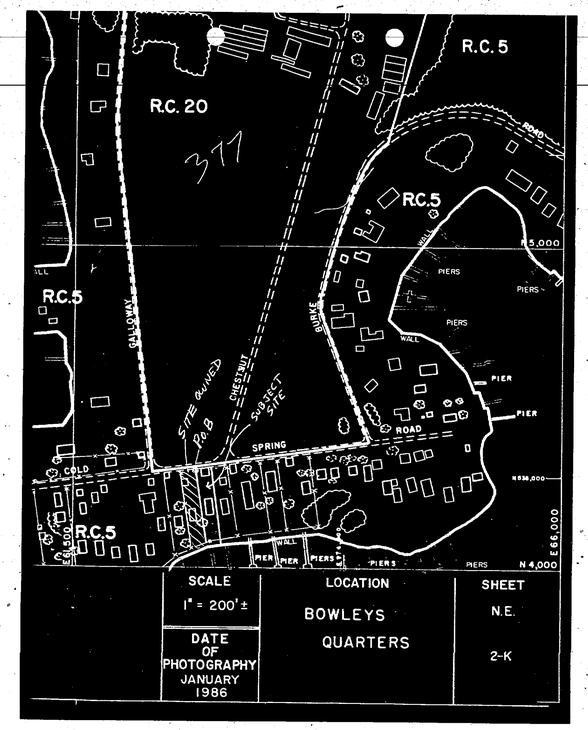
Scale: 1" = 40'

Date: 2/4/97

THIS PLAT IS INTENDED TO SHOW







FEB-14-97 FRI 11:59 MARSHFIELD-ROHR GASKET CO. FAX NO. 1301[illegible]154 P.01

97-377

97-377-SPHA

February 13, 1997

To Whom It May Concern:

We, the undersigned, being neighbors and abutters are not opposed to Howard and Marsha Ayres' petition for variance of their setbacks at 1027 Coldspring Road, Baltimore, Maryland 21220.

1025 COLD SPRING RD

Howard Ayres
1023 COLDSPRING ROAD

1021 COLD SPRING RD.

02/28/1997 08:37 4102876048 STERLING DESIGN GRP PAGE 01

97-910

TOCADA Sterling Design Group

Architectural Designers Construction Management

377

97-377-SPHA

Mr. John Lewis
Planning and Zoning
Baltimore County
Towson MD

Dear Mr. Lewis,

I Authorize Baltimore County to correct the proposed dwelling location on these petition plans as shown on this drawing, and I accept all responsibility for the accuracy of such location information.

Very Truly,

John P. Fedas
President

Post-it® Fax Note 7671	Date	# of pages ▶
To JOHN LEWIS	From	
Co./Dept. Planning	Co.	
Phone #	Phone #	
Fax # 410 887 2824	Fax #	

12-B3 President Point Drive Annapolis MD 21403
800-433-8016

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
W. HOWARD AYRES	1027 COLD SPRING ROAD
MARSHA L. AYRES	BALTIMORE MARYLAND 21220

Printed with Soybean Ink on Recycled Paper