

IN RE: PETITION FOR VARIANCE
E/S Shady Spring Road, 1,460' N
of the c/l Herman Avenue
(5822 Shady Spring Road)
14th Election District
6th Councilmanic District

Martha J. Kielek
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-338-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Martha J. Kielek. The Petitioner seeks relief from Section 432.5.B.1.b(1) and (2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit parking spaces in the front yard, 1 foot from the side property line, in lieu of the required 10 feet, and from Section 409.4.C of the B.C.Z.R. to permit a two-way travel aisle with a width of 15 feet in lieu of the required 22 feet for a Class A Assisted Living Facility. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Martha Kielek, property owner, David Watt, William P. Monk, planning and zoning consultant, and Ed Shapiro, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangularly shaped lot, consisting of a gross area of 0.57 acres, more or less, zoned D.R. 3.5 and is improved with a two-story dwelling and accessory shed. The property is approximately 60 feet wide by 393 feet deep and is located on a dead-end street. The Petitioner is desirous of

ORDER RECEIVED FOR FILING
Date 6/1/98
By [Signature]

operating a Class A Assisted Living Facility on the subject property for up to 13 individuals; however, given the narrow width of the property and the location of existing improvements thereon, the Petitioner proposes to provide the required parking in the front yard. Testimony and evidence presented demonstrated that the distance between the dwelling and the side property lines is limited and vehicular access to the rear yard for parking would be difficult. In addition, the open space in the rear yard will provide a nice recreation area for the residents of the assisted living facility to enjoy the outdoors. In support of her request, the Petitioner submitted several photographs depicting the subject property, existing improvements thereon, and adjacent properties. As noted above, the subject property is located on a dead-end road, not far from where it ends and thus, the requested variance relief will have little, if any, effect on adjacent properties.

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

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

ORDER RECEIVED FOR FILING
Date 6/1/98
By [Signature]

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

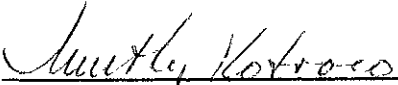
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. Furthermore, the relief requested satisfies all of the requirements of Section 432.5 of the B.C.Z.R. which sets forth the criteria which must be met for an assisted living facility to operate.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of June, 1998 that the Petition for Variance seeking relief from Section 432.5.B.1.b(1) and (2) of the Baltimore County Zoning Regulations (B.C.Z.R. to permit parking spaces in the front yard and 1 foot from the side property line, in lieu of the required 10 feet, and from Section 409.4.C of the B.C.Z.R. to permit a two-way travel aisle with a width of 15 feet in lieu of the required 22 feet for a Class A Assisted Living Facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

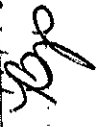
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 6/1/08 



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

June 1, 1998

Ms. Martha J. Kielek
5822 Shady Spring Avenue
Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE
E/S Shady Spring Road, 1,460' N of the c/l Herman Avenue
(5822 Shady Spring Road)
14th Election District - 6th Councilmanic District
Martha J. Kielek - Petitioner
Case No. 98-338-A

Dear Ms. Kielek:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. William P. Monk
222 Bosley Avenue, Suite C-6, Towson, Md. 21204

People's Counsel; Case Files





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5822 Shady Spring Avenue

which is presently zoned DR 3.5

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)

432.5.B.1.b(1) & (2) to permit parking spaces in the front yard and 1' in lieu of the required 10' from the side property line. Section 409.4C to permit a 2-way travel aisle 15' wide in lieu of the required 22' wide.

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

The site is only 60' wide. The placement and size of the existing structure prohibits vehicular access to the rear of the site for parking. The existing driveway will be utilized for vehicular travelway (2-way). The driveway being less than 10' from the side property line.

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:

Legal Owner(s):

(Type or Print Name)

Martha J. Kielek
(Type or Print Name)

Signature

Martha J. Kielek
Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

5822 Shady Spring Avenue

Address

Phone No

Baltimore, MD 21237

City

State

Zipcode

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

William Monk, Inc. 410-494-8931

Name

222 Bosley Ave., Ste. C-6, Towson, 21204

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

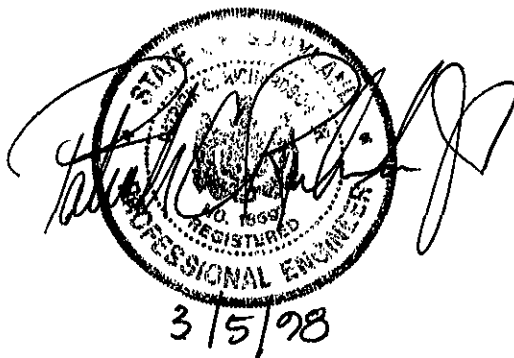
DROP OFF
NO REVIEW
3/17/98
4C1

98-338-A

**ZONING DESCRIPTION
KIELEK PROPERTY
5822 SHADY SPRING ROAD
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME on the easternmost side of Shady Spring Road 1460 feet, more or less, north of the center line of Herman Avenue; thence binding on the east side of Shady Spring Road having a 30 foot right of way, (1) North 08 degrees 17 minutes 30 seconds East 62.00 feet, thence leaving Shady Spring Road and traversing the following courses and distances, (2) South 68 degrees 25 minutes 30 seconds East 409.00 feet, (3) South 21 degrees 34 minutes 30 seconds West 60.00 feet, (4) North 68 degrees 25 minutes 30 seconds West 393.00 feet, to the place of beginning.

Containing 0.57 acres of land, more or less.



98-338-A

**NOTICE OF ZONING
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: #98-338-A
5622 Shady Spring Avenue
SE/S Shady Spring Avenue
1460 NE Herman Avenue
14th Election District
6th Councilmanic District

Legal Owner(s):
Martha J. Klelek

Variance: to permit parking spaces in the front yard and 1 spot in lieu of the required 10 feet from the side property lines and to permit a 2-way travel aisle 15 feet wide in lieu of the required 22 feet wide.
Hearing: Tuesday, May 12, 1998 at 2:00 p.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391

4/393 April 23

C223038

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/23/, 19 98

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 4/23/, 19 98.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **048721**

DATE 3/17/98 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Loving Living, LLC

FOR: #020 - VARIANCE

5822 Shady Spring Avenue Item #338
Drop-Off -- No Review Case #98-338-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
3/17/1998	3/17/1998	10:00:48
RFI W502 CASHIER JRIC JMR DRAWER		
5 MISCELLANEOUS CASH RECEIPT		
Receipt # 037021		051N
CR NO. 048721		

250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **048721**

DATE 3/17/98 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Loving Living, LLC

FOR: #020 - VARIANCE

5822 Shady Spring Avenue Item #338
Drop-Off -- No Review Case #98-338-A

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PROCESS	ACTUAL	TIME
3/17/1998	3/17/1998	10:00:48
RFI W502 CASHIER JRIC JMR DRAWER		
5 MISCELLANEOUS CASH RECEIPT		
Receipt # 037021		051N
CR NO. 048721		

250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

P.3

X COPY

RE: Case No.: 98-338-APetitioner/Developer: MARTHA KIELEY, ETAL56 WILLIAM MONKDate of Hearing/Closing: 5/12/98@ 2:00 PM.
RM- 407
C.C.B.

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 # 5822 SHADY SPRING RD.

The sign(s) were posted on

4/26/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 4/28/98
(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 ; CELL-410-905-8571

(Telephone Number)

98-338-A
5822 SHADY SPRING AVE.

RE: PETITION FOR VARIANCE
5822 Shady Spring Avenue, SE/S Shady
Spring Ave., 1460' NE of Herman Ave.
14th Election District, 6th Councilmanic

Martha J. Kielek
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-338-A

* * * * *

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 15th day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to William Monk, Inc., 222 Bosley Avenue, Suite C-6, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

April 1, 1998

NOTICE OF ZONING 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: 98-338-A
5822 Shady Spring Avenue
SE/S Shady Spring Avenue, 1460' NE Herman Avenue
14th Election District - 6th Councilmanic District
Legal Owner: Martha J. Kielek

Variance to permit parking spaces in the front yard and 1 foot in lieu of the required 10 feet from the side property line; and to permit a 2-way travel aisle 15 feet wide in lieu of the required 22 feet wide.

HEARING: Tuesday, May 12, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

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

Arnold Jablon
Director

c: William Monk, Inc.
Martha J. Kielek

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 27, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
April 23, 1998 Issue - Jeffersonian

Please forward billing to:
William Monk, Inc.
222 Bosley Avenue
Suite C-6
Towson, MD 21204

410-494-8931

NOTICE OF ZONING 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: 98-338-A
5822 Shady Spring Avenue
SE/S Shady Spring Avenue, 1460' NE Herman Avenue
14th Election District - 6th Councilmanic District
Legal Owner: Martha J. Kielek

Variance to permit parking spaces in the front yard and 1 foot in lieu of the required 10 feet from the side property line; and to permit a 2-way travel aisle 15 feet wide in lieu of the required 22 feet wide.

HEARING: Tuesday, May 12, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt
sed

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

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

March 25, 1998

NOTICE OF ZONING 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: 98-338-A
5822 Shady Spring Avenue
SE/S Shady Spring Avenue, 1460' NE Herman Avenue
14th Election District - 6th Councilmanic District
Legal Owner: Martha J. Kielek

Variance to permit parking spaces in the front yard and 1 foot in lieu of the required 10 feet from the side property line; and to permit a 2-way travel aisle 15 feet wide in lieu of the required 22 feet wide.

HEARING: Monday, May 11, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: William Monk, Inc.
Martha J. Kielek

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 26, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
April 23, 1998 Issue - Jeffersonian

Please forward billing to:
William Monk, Inc.
222 Bosley Avenue
Suite C-6
Towson, MD 21204

410-494-8931

NOTICE OF ZONING 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: 98-338-A
5822 Shady Spring Avenue
SE/S Shady Spring Avenue, 1460' NE Herman Avenue
14th Election District - 6th Councilman's District
Legal Owner: Martha J. Kielak

Variance to permit parking spaces in the front yard and 1 foot in front of the required 10 feet from the side property line; and to permit a 2-way travel aisle 15 feet wide in lieu of the required 22 feet wide.

HEARING: Monday, May 11, 1998 at 10:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

March 17, 1998

Mr. William Monk
William Monk, Inc.
222 Bosley Avenue
Suite C-6
Towson, MD 21204

RE: Drop-Off Petition (Item #338)
5822 Shady Spring Avenue
14th Election District

Dear Mr. Monk:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized "sg" or "sc" at the bottom right.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures



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

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-338-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE TO PERMIT PARKING SPACES
IN THE FRONT YARD AND 1 FT. IN LIEU OF
THE REQUIRED 10 FT. FROM THE SIDE
PROPERTY LINE; AND TO PERMIT A 2-WAY
TRAVEL AISLE 15 FT. WIDE IN LIEU OF
THE REQUIRED 22 FT. WIDE.

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

CERTIFICATE OF POSTING

RE: Case No.: 98-338-A

Petitioner/Developer: MARTHA KIELEK, ETAL

9% WILLIAM MONK F-494-9903

Date of Hearing/Closing: 5/12/98

@ 2:00 PM.
RM- 407
C.C.B.

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 # 5822 SHADY SPRING RD.

The sign(s) were posted on _____

4/26/98

(Month, Day, Year)

Fixed
Sincerely

Patrick M O'Keefe 4/28/98

(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 ; CELL-410-905-8571

(Telephone Number)

98-338-A
5822 SHADY SPRING AVE.



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

April 13, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Mark G. Bastille and Bettina Bastille
Martha J. Kielek

Location: DISTRIBUTION MEETING OF March 30, 1998

Item No.: 337 and 338 Zoning Agenda:

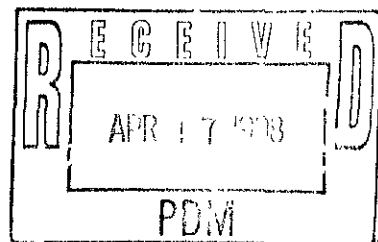
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: April 8, 1998

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for April 6, 1998
 Item No. 338

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The Baltimore County record drawing #53-0861 indicates there is no 8-inch water main in Shady Spring Avenue along your frontage.

If this variance is approved, the Developer will be responsible for the extension of an 8-inch water main and a 6-inch fire hydrant to supply water and fire service to the site.

RWB:HJO:jrb

cc: File

ZONE0406.338



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 3/25/98 wcr
Item No. 338

Martha Kielek

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

LTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

FROM: R. Bruce Seeley *RBS/98*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *March 30, 98*

DATE: *3/30/98*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

337
(338)
339
341
342
443
344
345
347

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

See
5/11
12
Tim

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

DATE: April 1, 1998

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 338

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND

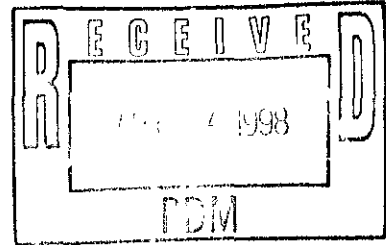
INTER-OFFICE CORRESPONDENCE

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

DATE: April 1, 1998

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

SUBJECT: Zoning Advisory Petitions



The Planning Office has no comments on the following petitions (s):

Item No. 338

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Carol L. Kerns

AFK/JL



Baltimore County
Department of Permits and
Development Management

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

April 9, 1998

Mr. William Monk
222 Bosley Avenue, Suite C-6
Towson, MD 21204

RE: Drop-Off Petition Review (Item #338)
5822 Shady Spring Avenue
14th Election District

Dear Mr. Monk:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. For sake of clarity, the plan should reference that this is a proposed Class "A" elderly ALF.
2. Per Section 432.5.B1.b, off street parking must comply with Section 409 (BCZR) to include Section 409.8.A.4, which requires a 10 foot street right-of-way setback. Section 432.5.B.1.b (2) does not allow proposed parking in the front yard.
3. Add these variances to the request and plan; also confirm the permanent striping and other 409.8.A requirements, as necessary.
4. No telephone number for legal owner.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John L. Lewis
Planner II, Zoning Review

JLL:rye

Enclosure (receipt)

c: Zoning Commissioner





Baltimore County
Department of Permits and
Development Management

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

April 9, 1998

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222 Bosley Avenue, Suite C-6
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1. For sake of clarity, the plan should reference that this is a proposed Class "A" elderly ALF.
2. Per Section 432.5.B1.b, off street parking must comply with Section 409 (BCZR) to include Section 409.8.A.4, which requires a 10 foot street right-of-way setback.
SECT. 432.5.B.1.b (2) DOES NOT ALLOW PROPOSED PARKING IN THE FRONT YARD.
3. *these* Add ~~the~~ variances to the request and plan; also confirm the permanent striping and other 409.8.A requirements, as necessary.
4. No telephone number for legal owner.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John L. Lewis
Planner II, Zoning Review

JLL:rye

Enclosure (receipt)

c: Zoning Commissioner



WILLIAM MONK, INC.

ENGINEERS • PLANNERS

3/12/98

JL

Soph | ok

Memorandum

DATE: March 11, 1998
TO: PADM
FROM: Bill Monk *Bill Monk*
RE: 5822 Shady Spring Avenue, Balto. Co., MD
Variance Application

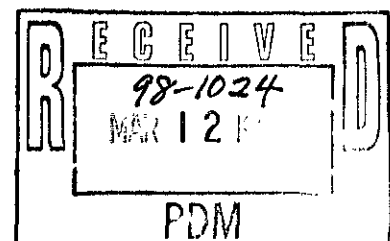
ENCLOSURES

Attached herewith please find the application form, variance plat and supporting documentation for the above-referenced site. This office wishes to "drop off" said application for processing. Mr. John Lewis is familiar with this project having conducted a preliminary review of the plan approximately two weeks ago. This site is not subject to any outstanding zoning violations.

JLL 338
For Review -
Drop Off

NO TEL. NO.
FOR L.O.

Sophia
3/24



98-338-A

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

Soph
Via FAX

3/30/98
8
wcl

March 27, 1998

Mr. Arnold Jablon
Director of Zoning Administration
and Development Management
Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

RE: 5822 Shady Spring Avenue: Hearing scheduled for May 11, 1998 @ 10:15 AM

Dear Arnold:

I was notified by Sophie on Wednesday that the above-referenced hearing has been scheduled as so noted. Unfortunately, I have to request a rescheduling due to a conflict that morning with a previously scheduled hearing in Annapolis. I am requesting that the hearing be reset at the earliest possible opportunity. We do not anticipate a lengthy hearing (approx. one hour).

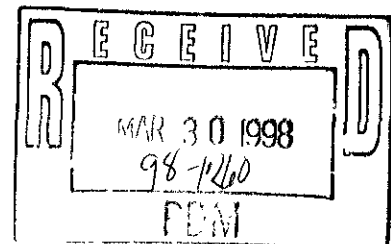
I am sorry for any inconvenience it may cause the staff.

Cordially,



William P. Monk
WPM/cjs

97176jab/d46





Baltimore County
Department of Permits and
Development Management

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

April 1, 1998

Mr. William P. Monk
William Monk, Inc.
Courthouse Commons
222 Bosley Avenue
Suite C-6
Towson, MD 21204

RE: Case Number 98-338-A
Petitioner: Martha Kielek
Location: 5822 Shady Spring Ave.

Dear Mr. Lichter:

The above matter, previously assigned to be heard on Monday, May 11, 1998 has been postponed at your request.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is stylized and includes a small "scj" or similar mark at the end.

Arnold Jablon
Director

AJ:scj

c: Martha J. Kielek



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

B. Manks

Ed Thompson

Martha Kielek

Dan Watt

222 RISLEY AVE

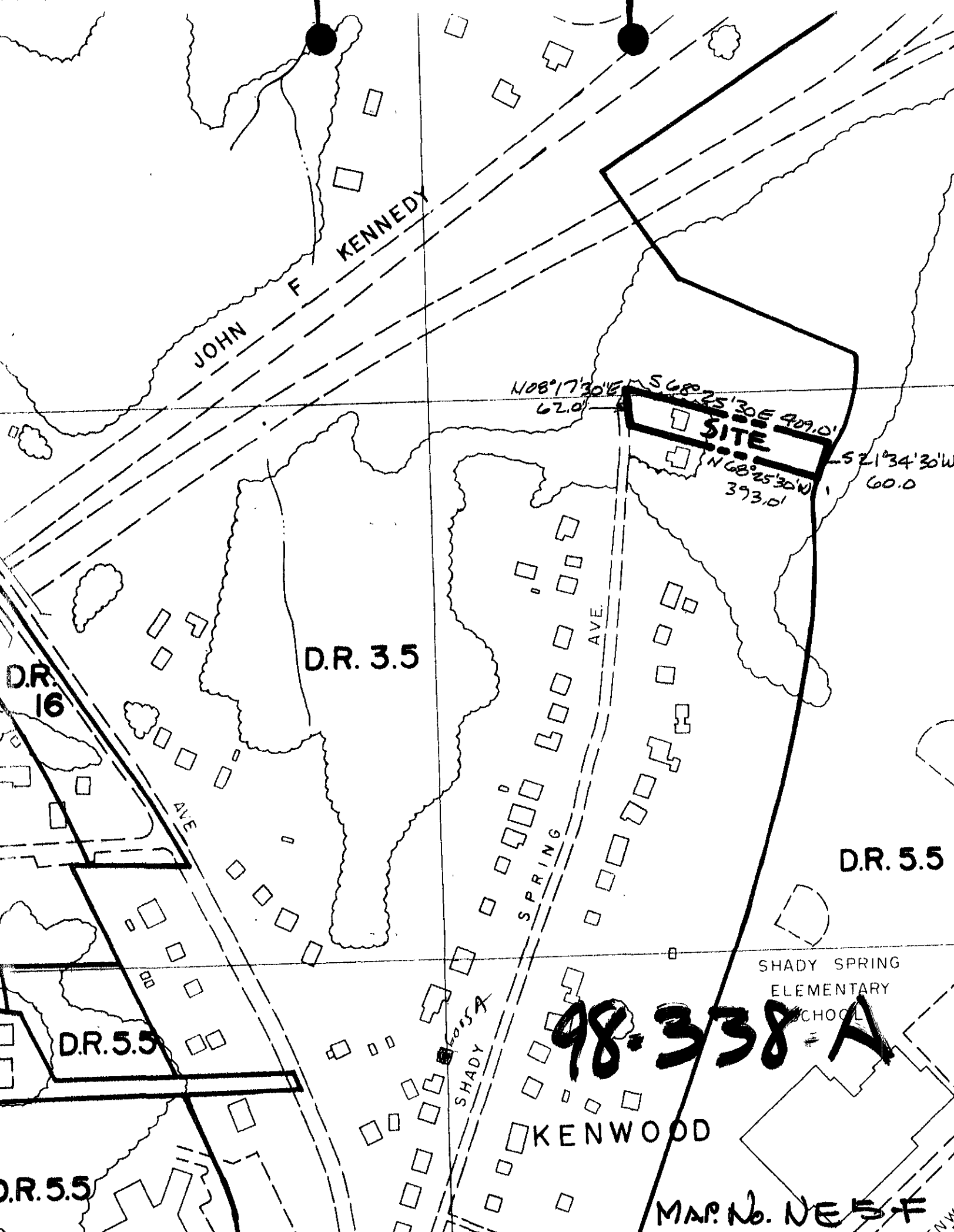
502 W WASHINGTON Ave #320

TOWSON MD 21204

6005A Shady Spring Ave

6005A Shady Spring Ave





JOHN F. KENNEDY

N 08°17'30"E 62.0'

S 68°25'30"E 409.0'

SITE

N 68°25'30"W 393.0'

S 21°34'30"W 60.0'

D.R. 3.5

D.R. 16

D.R. 5.5

D.R. 5.5

D.R. 5.5

SHADY SPRING
ELEMENTARY
SCHOOL

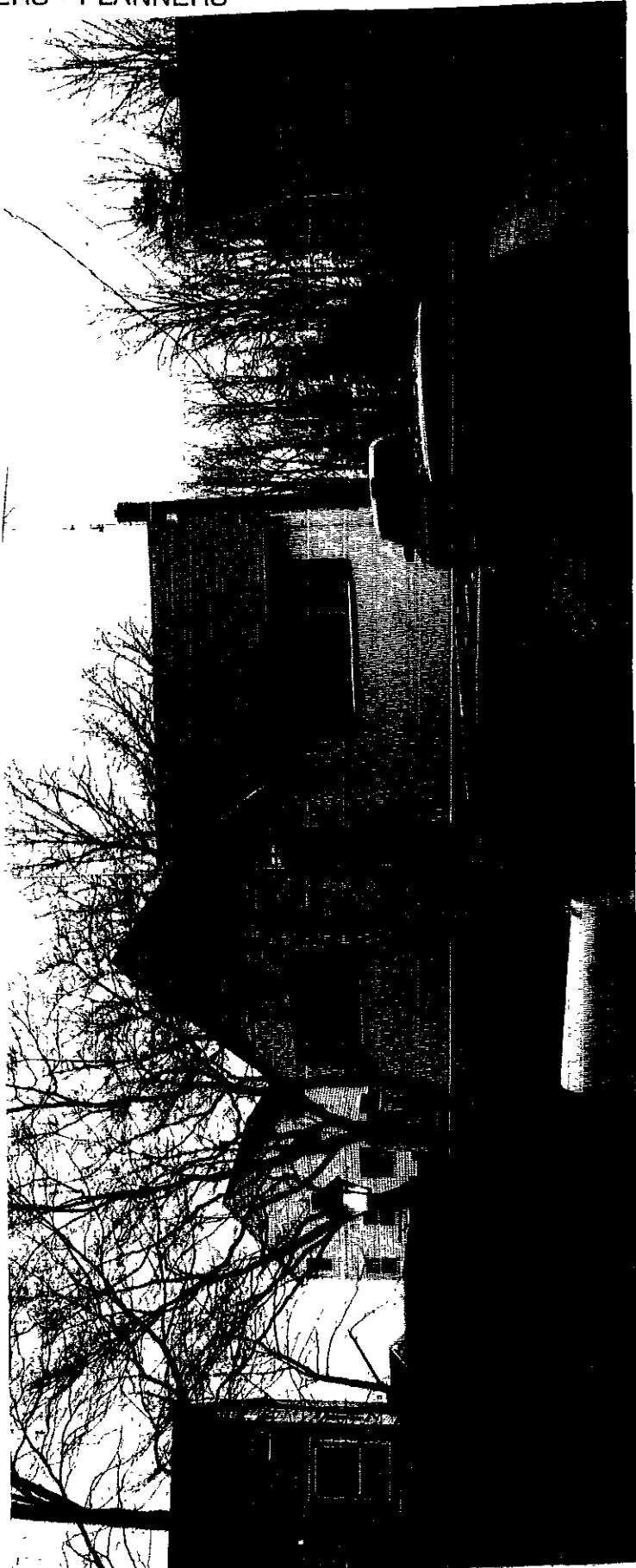
98-338-A

KENWOOD

MAP No. NE 5-F

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



FRONT

EXHIBIT 2A

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



REAR

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WILLIAM MONK, INC.

ENGINEERS • PLANNERS



SOUTH (SIDE YARD)



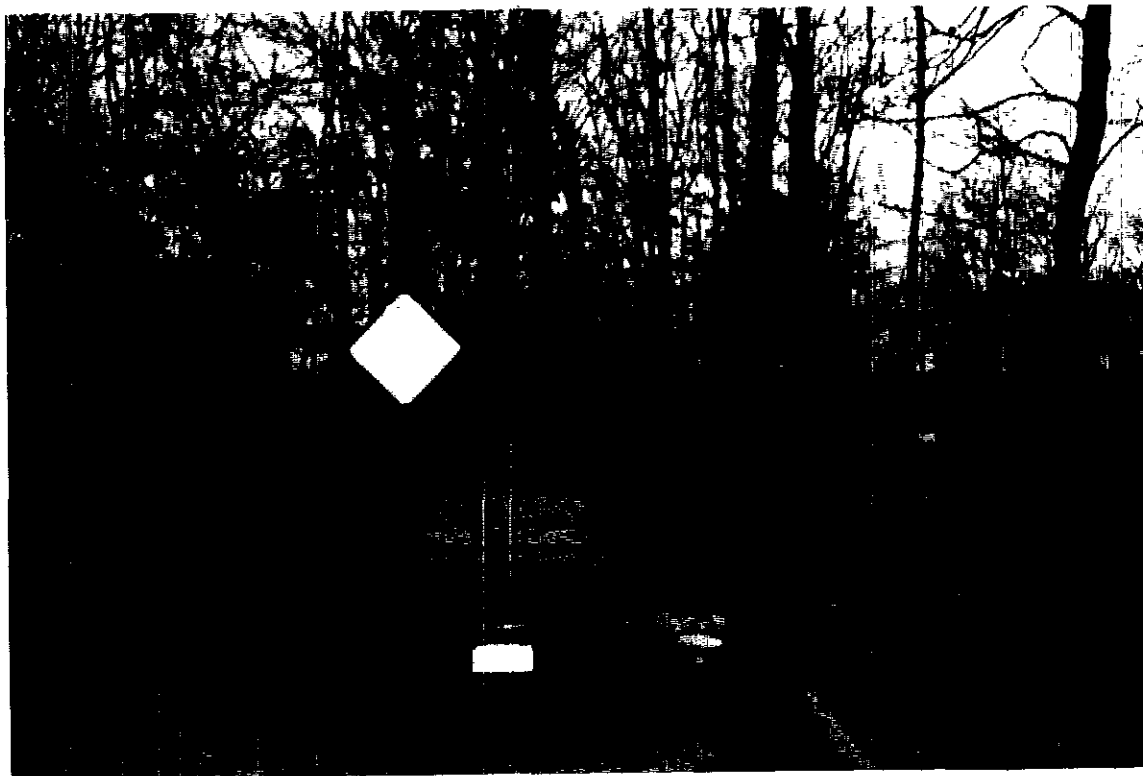
NORTH (SIDE YARD)

WILLIAM MONK, INC.

ENGINEERS • PLANNERS



SOUTH
(SHADY SPRINGS AVE.)



NORTH
(SHADY SPRINGS AVE.)