

IN RE: PETITION FOR VARIANCE
SW/S Plateau Road, 139' BW
of Riverside Avenue
15th Election District
7th Councilmanic District
(2 Plateau Road)

Milton J. Dudeck
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-293-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Milton Dudeck. The Petitioner is requesting a variance for property he owns at 2 Plateau Road, which property is currently zoned D.R.5.5. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (carport) in the side yard of the property in lieu of the required rear yard.

Appearing at the hearing on behalf of the variance request was Milton Dudeck, property owner. Also in attendance was Mr. James Bowman who resides adjacent to the Petitioner's property.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.15 acres, more or less, and is zoned D.R.5.5. The subject property is located in the Eastern Terrace subdivision in the Essex area of Baltimore County. The property is currently improved with a one-story single family residential dwelling and two sheds which are located in the rear yard. The Petitioner recently constructed a carport on the side of the dwelling under which he parks his vehicles. The Petitioner was unable to attach the carport to the side of his dwelling due to the existence of a power line on the side of the house. Therefore, the carport is not attached to the dwelling and is properly characterized as an accessory structure. In order for the structure to remain on the side of the dwelling, the variance request is necessary.

ORDER RECEIVED FOR FILING
Date 2/23/00
By J. Bowman

As stated previously, Mr. James Bowman appeared in opposition to the Petitioner's request. Mr. Bowman is concerned about the existing storm water runoff that currently drains onto his property. He indicated that his rear yard is saturated with most of the water coming from the Petitioner's property. He is concerned and objects to the additional storm water that is generated by this carport.

Mr. Dudeck submitted into evidence various photographs of other carports in and around his neighborhood. The carport that he has constructed on his house is in character and keeping with the others in the neighborhood. However, given his close proximity to his neighbor's property, he must control the storm water runoff generated by this carport. After considering the testimony and evidence offered at the hearing, I find that the variance request shall be granted.

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

To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief

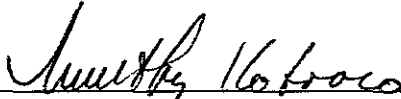
COPIES SUBMITTED FOR FILING
Date 2/23/00
By J. Bowman

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.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 23rd day of February, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (carport) in the side yard of the property in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall be required to install gutters and downspouts on the carport structure. All storm water runoff from the roof shall be captured and drained out to Plateau Road which is the public street and not towards the rear yard of Mr. Bowman's property.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



 TIMOTHY M. KOTROCO
 DEPUTY ZONING COMMISSIONER
 FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
 Date - 02/23/00
 By - [Signature]
 TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 23, 2000

Mr. Milton J. Dudeck
2 Plateau Road
Baltimore, Maryland 21221

Re: Petition for Variance
Case No. 00-293-A
Property: 2 Plateau Road

Dear Mr. Dudeck:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. James Bowman
27 Riverside Road
Baltimore, Maryland 21221

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2 PLATEAU ROAD
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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) 400.1 to permit a Detached Accessory Structure (Carport) in the side yard, in lieu of the required rear yard

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) To construct a free-standing carport to protect vehicles from a tree encroaching on petitioner's property from an adjacent property. Structure cannot be attached to house due to overhead utility wiring attached to driveway side of house.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

MILTON J. DUDECK
Name - Type or Print _____
Milton J. Dudeck
Signature _____
Name - Type or Print _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Signature _____
Address 2 PLATEAU ROAD Telephone No. W (410) 890-4700 x292
H (410) 574-2337
BALTIMORE MARYLAND 21221
City State Zip Code

Representative to be Contacted:

SEE ABOVE
Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____
Reviewed By SMF Date 01-14-00

ORDER RECEIVED FOR FILING

Date 1/23/00
By J.R. [Signature]

Case No. 00-293-A

ZONING DESCRIPTION FOR: 2 Plateau Road

Beginning at a point on the South side of Plateau Road, which is 39 feet wide at the distance of 136 feet

West of the nearest improved intersecting street Riverside Avenue, which is 39 feet wide. Being Lot# 12,

Block I, in the subdivision of Eastern Terrace, as recorded in Baltimore County Plat Book # 12,

Folio # 119, containing 0.15 acres. Also known as 2 Plateau Road and located in the 15th Election District,

7th Councilman District.

00-293-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

00-293-A
 No. **077929**

DATE 01-14-00 ACCOUNT ROOL 6650

AMOUNT \$ 50

RECEIVED FROM: Mr. Michael P. Decker

FOR: Res. UAW. (check number 6650)

DISTRIBUTION
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER

507

PAID RECEIPT
 PAYMENT ACTUAL TIME
 1/14/2000 1/16/2000 10:22:53
 REG 4501 CASHIER JRIC JMR BROWER 1
 Dept 5 520 ZBING VERIFICATION (FLN)
 Receipt # 132157
 CR NO. 077929

Receipt Tot 50.00
 50.00 PK
 .00 LA
 Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commission 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: #10-283-A
2 Plateau Road
NW/S Plateau Road, 139
NW of Riverside Avenue
7th Election District
15th Councilmanic District

Legal Owner(s):
Milton J. Dudeck
Variance: to permit a detached accessory structure (carport) in the side yard in lieu of the required rear yard.

Hearing: Thursday, February 17, 2000 at 8:00 a.m. in Room 407, County Court Building, 401 Boylston Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please contact the Zoning Commissioners' Office at (410) 887-4386.
(2) For information concerning the file and/or hearing, contact the Zoning Review Office at (410) 887-8391.

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/3, 2000

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 2/1, 2000.

D. William Gray
THE JEFFERSONIAN,

ADVERTISING

RECEIVED FEB 07 2000

CERTIFICATE OF POSTING

RE: CASE #00-293-A
PETITIONER/DEVELOPER
(Milton J. Dudeck)
DATE OF Hearing
(Feb 17, 2000)

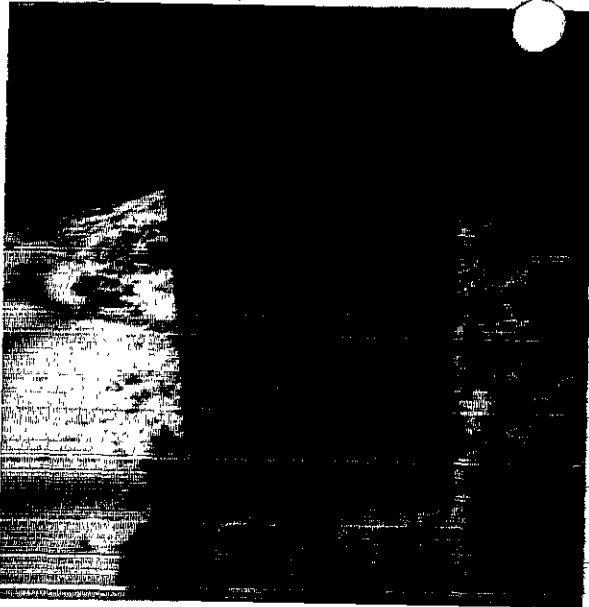
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
2 Plateau Road Baltimore, Maryland 21221_____

The sign(s) were posted on _____ 1-29-00 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr.

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)

RECEIVED FEB 0 2 2000

RE: PETITION FOR VARIANCE
2 Plateau Road, SW/S Plateau Rd,
139' NW of Riverside Ave
15th Election District, 7th Councilmanic

Legal Owner: Milton J. Dudeck
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-293-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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of February, 2000 a copy of the foregoing Entry of Appearance was mailed to Milton J. Dudeck, 2 Plateau Road, Baltimore, MD 21221, 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
pdmlandacq@co.ba.md.us

January 20, 2000

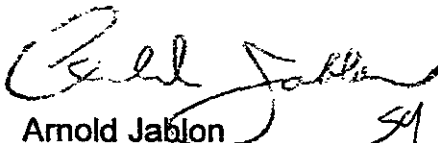
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CASE NUMBER: 00-293-A
2 Plateau Road
SW/S Plateau Road, 139' NW of Riverside Avenue
7th Election District – 15th Councilmanic District
Legal Owner: Milton J. Dudeck

Variance to permit a detached accessory structure (carport) in the side yard in lieu of the required rear yard.

HEARING: Thursday, February 17, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Arnold Jablon
Director

c: Milton Dudeck, 2 Plateau Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 2, 2000.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 1, 2000 Issue – Jeffersonian

Please forward billing to:

Milton J. Dudeck 410-574-2337
2 Plateau Road
Baltimore, MD 21221

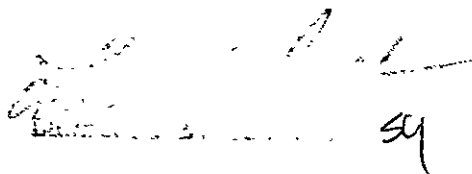
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 00-293-A
Petitioner: MILTON J. DUDECK
Address or Location: 2 PLATEAU ROAD BALTIMORE, MARYLAND 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: MILTON J. DUDECK
Address: 2 PLATEAU ROAD BALTIMORE, MARYLAND 21221
Telephone Number: (410) 574-2337

Revised 2/20/98 - SCJ

00-293-A

Plat to accompany Petition for Zoning Variance Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: _____

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____ prepared by: _____ Scale of Drawing: 1" = _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____
Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____ acreage _____ square feet

	public	private
SEWER:	<input type="checkbox"/>	<input type="checkbox"/>
WATER:	<input type="checkbox"/>	<input type="checkbox"/>
Chesapeake Bay Critical Area:	<input type="checkbox"/> yes	<input type="checkbox"/> no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



Baltimore County
Department of Permits and
Development Management

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

February 11, 2000 pdmilandacq@co.ba.md.us

Mr. Milton J. Dudeck
2 Plateau Road
Baltimore MD 21221

Dear Mr. Dudeck:

RE: Case Number 00-293-A , 2 Plateau Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 14, 2000.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a printed name.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 3, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

RECEIVED FEB 08 2000

SUBJECT: Zoning Advisory Committee Meeting
for January 31, 2000
Item Nos. 286, 288, 290, 291, 293,
294, and 295

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

January 28, 2000

RECEIVED FEB 04 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JANUARY 24, 2000

Item No.: SEE BELOW

Dear Ms. Stephens:

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME REGARDING THE FOLLOWING ITEMS: 287, 293, AND 295

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: February 1, 2000
SUBJECT: Zoning Item #293
2 Plateau Road

RECEIVED FEB 04 2000

Zoning Advisory Committee Meeting of January 24, 2000

- 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.
- 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 (Section 14-401 through 14-422 of the Baltimore County Code).
 - 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).

Reviewer: Keith Kelley

Date: February 1, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 20, 2000

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - JR
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 293
PETITIONER: Milton J. Dudeck

VIOLATION CASE NO.: 99-7741

LOCATION OF VIOLATION: SW/S of Plateau Rd., 139 feet NW of Riverside
Ave. (2 Plateau Road)

DEFENDANT(S): Milton J. Dudeck

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

<u>NAME</u>	<u>ADDRESS</u>
James Bowman	27 Riverside Road Baltimore, MD 21221

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/jr/lmh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: February 8, 2000


RECEIVED FEB 09 2000

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 291 (293), 299, 304, 306, 308, 310, and 312

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: 

AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 1-24-00

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

RE: Baltimore County
Item No. 293 JRA

RECEIVED JAN 27 2000

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

To Whom It May Concern:

We, the undersigned property owners, live in close proximity to Milton Dudeck. We have no problems, or concerns regarding the size, appearance, location, or structural integrity of the carport constructed on his property.

Name: *David E. Rayton Sr.*
Address: *3 Plateau Rd.*
Date: *2/6/00*

Name: *Don Blackmon Jr.*
Address: *6 Plateau Rd.*
Date: *2/6/00*

Name: *Don Little*
Address: *11 Plateau Rd.*
Date: *2-6-00*

Name: *Harold Crow*
Address: *15 Plateau Rd.*
Date: *2-9-00*

Name: *David Taylor Jr.*
Address: *4 Plateau Rd.*
Date: *2/13/00.*

Name: *Christina Smith*
Address: *7 Plateau Rd.*
Date: *2-13-00*



Baltimore County
 Department of Permits and
 Development Management

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

Code Enforcement: 410-887-3351 Extension 7303
 Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
 Electrical Inspection: 410-887-3960

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. 118771
Case No. 99-7741

Election District 15 Permit No. _____
 Name (s) Milton J Dudeck
 Address 2 Plateau Rd Balto 21204
 Location of Violation (if different than address) same
 Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

<u>County Code:</u> §§ _____ §§ _____	<u>Zoning Regulations:</u> §§ _____ §§ _____
<u>Building Code (BOCA):</u> §§ <u>107.1</u> §§ _____	<u>Livability Code (18-66):</u> §§ _____ §§ _____
<u>Investment Property Act (7-66):</u> §§ _____	<u>Electrical Code (NEC):</u> §§ _____
<u>Plumbing Code (NSPC):</u> §§ _____	<u>Dwelling (CABO):</u> §§ _____
Other: §§ _____	

COMMENTS OR OTHER VIOLATIONS:

Must obtain permit for carport
cease all work until permit
is issued + inspection made

\$200 fine per day for failure to comply

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
11/26/99 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
 THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 11/15/99 INSPECTOR: Rosendale

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: 11/26/99
 DATE ISSUED: 11/15/99 INSPECTOR: Rosendale

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

VIOLATION SITE

00-293-A

00-293-A

D.R. 5.5

D.R. 105

D.R. 5.5

97-361-A

97-249-A

BR-215

DR 5.5

BR

NE 16

D.R. 1

00-293-A



00-293-A



Similar
structure
within 300 yards
of subject property.



Similar
structure in
immediate area
of subject
property

JL

LAUENSTIEN PROPERTY

9059 REXIS AVENUE

00-007-M

February 3, 2000

Minor Subdivision Review

Plan Date: 1/12/00

Comments Due:

Comments Date: 2/3/00

Comments Typed: 2/3/00

1. Add 3 Baltimore County grind ticks.
2. Show front building orientation
3. Give Height of existing and proposed buildings in feet or stories (subject property only).
4. Show uses on adjacent properties.
5. Give right-of-way width for REXIS AVENUE.
6. Provide signature block on plan and add minor subdivision number assigned by County. (See sample.)
7. If subject of previous zoning hearings, list case numbers, decision and any conditions, or note there are no cases on file.

00-293-A



Photo shows proximity of encroaching tree to carport and property line.



2D 3

8. Show a point of beginning and indicate distance to centerline of nearest intersecting street.
9. Show and dimension setbacks entire site.
10. Add large lot table to plan.
11. Show proposed highway widening on plan.
12. Revise density calculations to show:

Total Density Utilized (this plat)	4
Total Density Used entire tract	6
13. Insert a "Zoning Density Plat" to plan showing all density utilized by this subdivision and what was utilized 1980 subdivision recorded in Plat Book E.H.K., 47 Folio 36.
14. Advisory – Contact the Office of Planning for any potential panhandle issues.
15. Add note to plan; "Existing garage to be razed must be removed prior to record plat recordation."

Any requests for further information from the Zoning Office must include a reference to the minor subdivision file number and written correspondence or revised plans must be accompanied by a copy of these comments.

Lloyd T. Moxley
Planner II
Zoning Review



View from front of subject carport
showing encroaching tree which produces sap
and chestnut-like fruit which is damaging
vehicles.

Ret Ex 2A

00-293-A



Similar
structure on
neighboring
property within
300 yards of
subject property.



Photo showing
distance ~~between~~
between subject
carport and
neighbor's
house.

LB

8. Show a point of beginning and indicate distance to centerline of nearest intersecting street.
9. Show and dimension setbacks for entire site.
10. Add large lot table to plan.
11. Show proposed highway widening on plan.
12. Revise density calculations to show:

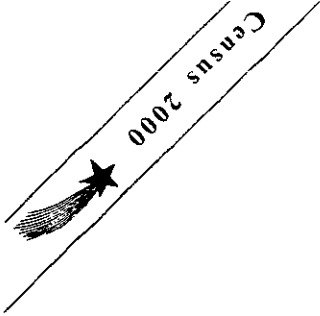
Total Density Utilized (this plat)	4
Total Density Used entire tract	6
13. Insert a "Zoning Density Plat" to plan showing all density utilized by this subdivision and what was utilized 1980 subdivision recorded in Plat Book E.H.K. 47 Folio 36.
14. Advisory – You may contact the Office of Planning for any potential panhandle issues.
15. Add note to plan; "Existing garage to be razed must be removed prior to record plat" recordation.

Any requests for further information from the Zoning Office must include a reference to the minor subdivision file number and written correspondence or revised plans must be accompanied by a copy of these comments.

Lloyd T. Moxley
Planner II
Zoning Review

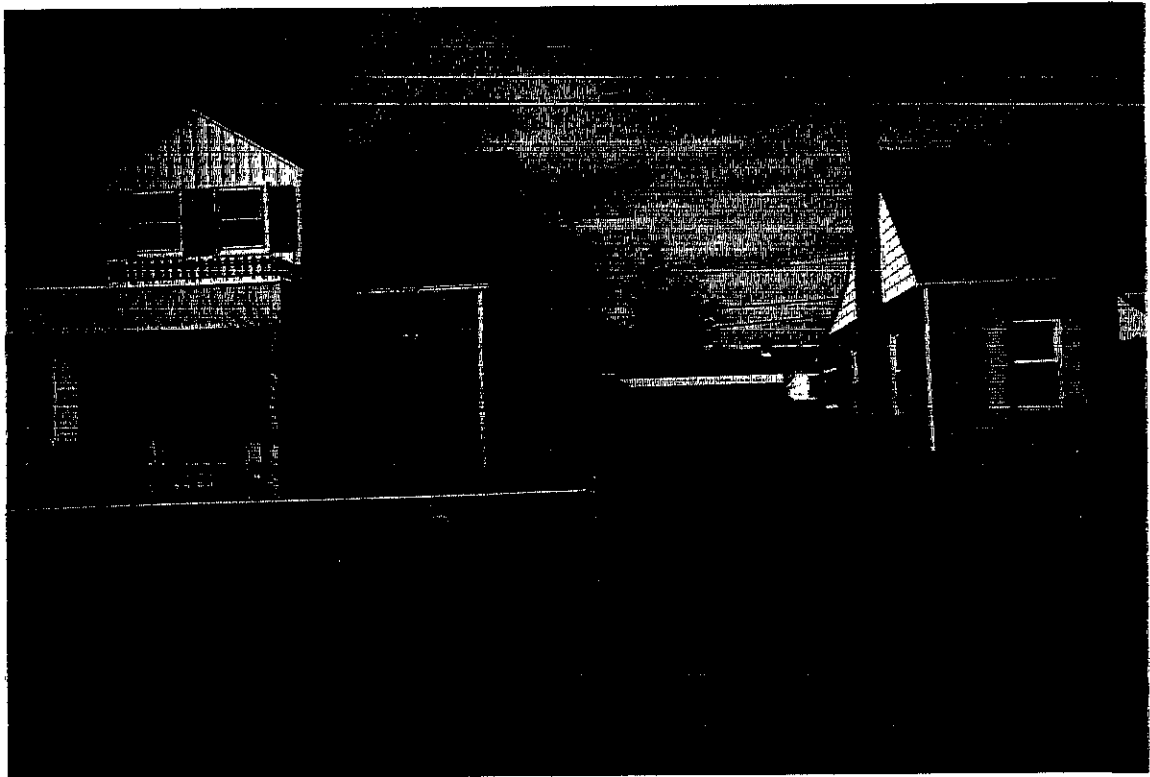


Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204



*Photographs
#00-293-A*





Plat to accompany Petition for Zoning Variance Special Hearing

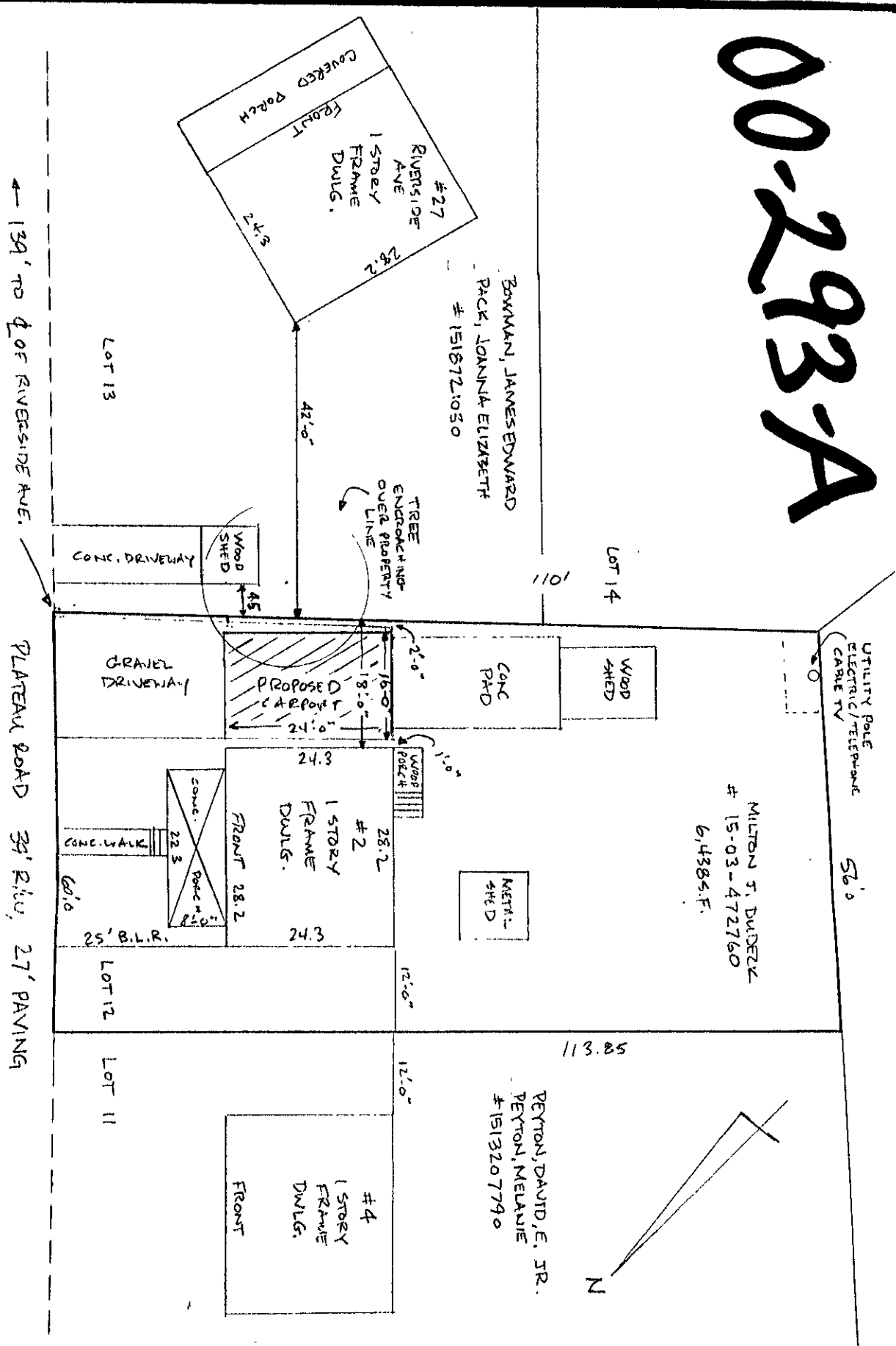
PROPERTY ADDRESS: 2 Plateau Road see pages 5 & 6 of the CHECKLIST for additional required information


Subdivision name: EASTERN TERRACE

plat book # 12, folio # 119, lot # 12, section # I

OWNER: MILTON J. DUDECK

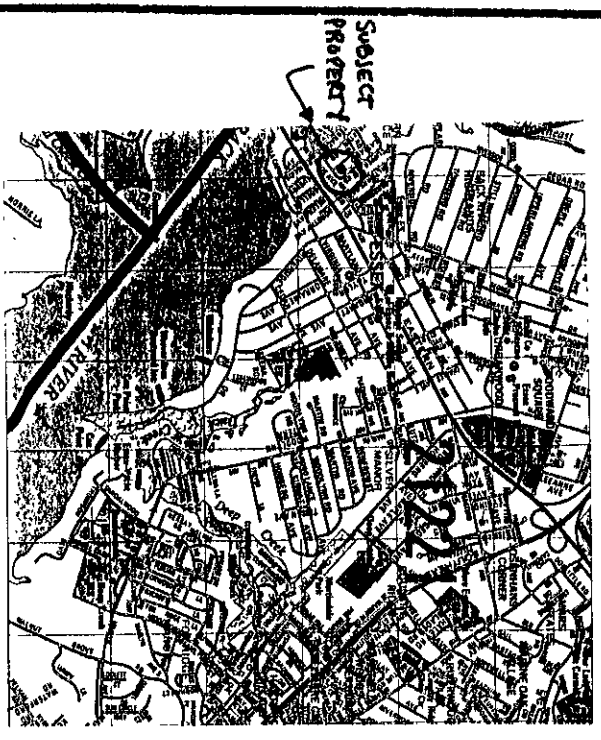
00-293-A



North 
 date: 12/14/99
 prepared by: MILTON J. DUDECK

Scale of Drawing: 1" = 20'

PET. OK #1



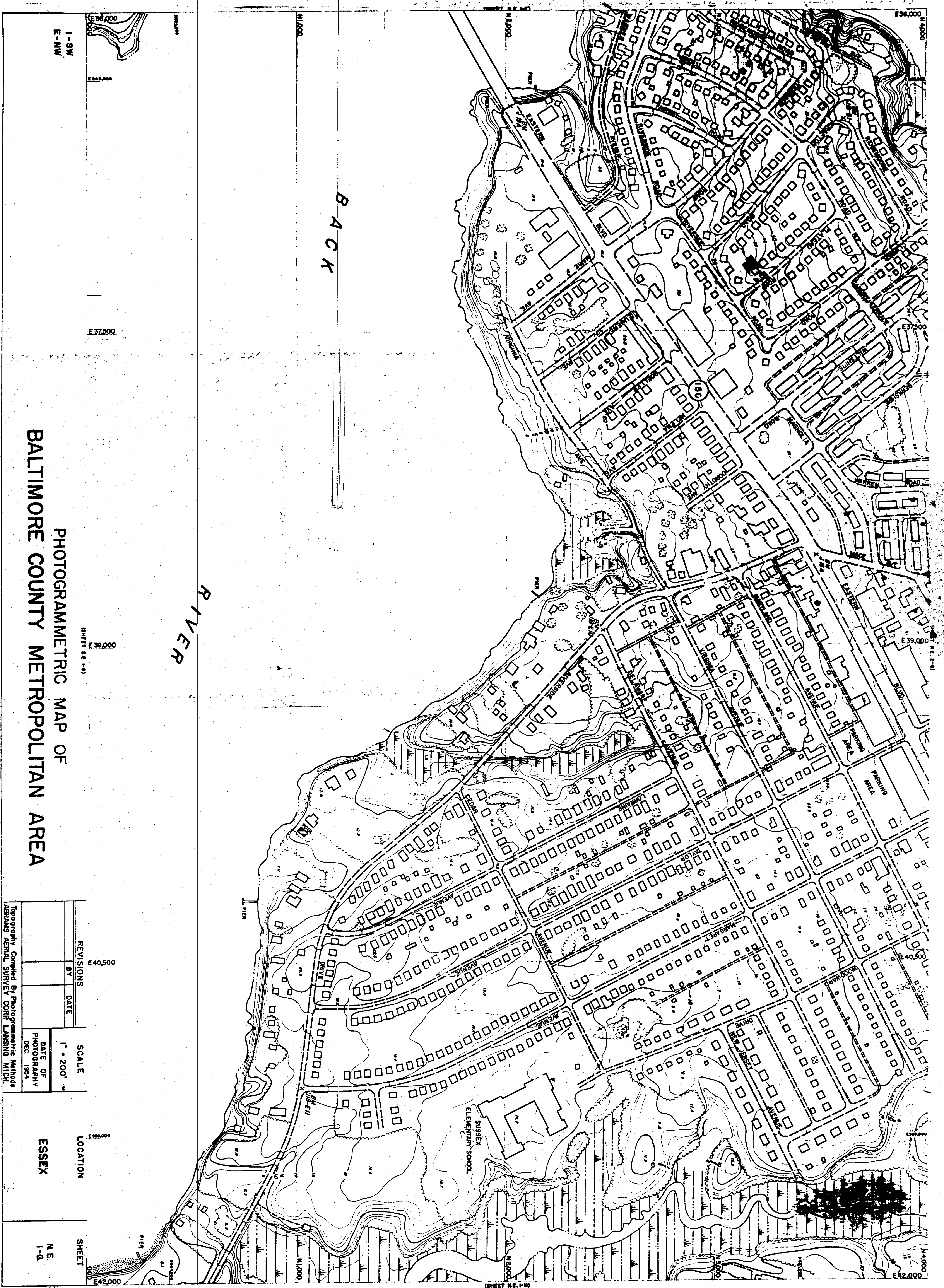
LOCATION INFORMATION

Election District: 7
 Councilmanic District: 15
 1" = 200' scale map #: NE 19
 Zoning: RR-5.5
 Lot size: 0.15 acreage 6,438 square feet

SEWER: public private
 WATER: yes no
 Chesapeake Bay Critical Area:
 Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: SSA ITEM #: 293 CASE #: 00-293-A



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE 1" = 200'	LOCATION ESSEX	SHEET N.E. 1-G
BY	DATE			
DATE OF PHOTOGRAPHY DEC. 1954		Topography Compiled by Photogrammetric Methods ABRAMS AERIAL SURVEY CORP. LANSING, MICH.		

(SHEET NO. 1-A)

(SHEET NO. 1-B)

IN RE: PETITION FOR VARIANCE
W/S Beach Avenue, 530' NW
Centerline Rockaway Beach Avenue
15th Election District
5th Councilmanic District
(2403 Beach Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-294-A

Pamela Hengemihle & Lucinda Garriques
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Pamela Hengemihle and Lucinda Garriques. The Petitioners are requesting a variance for property they own at 2403 Beach Avenue, which property is zoned D.R.3.5. The variance request is from Sections 303.1, 1B02.3.C, 303 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling to have a front yard setback of 16 ft. in lieu of the required front average of 25.8 ft., a side yard setback of 6 ft. totaling a sum of 12 ft. in lieu of the required 10 ft. and 25 ft. respectively, to allow an open projection with a setback of 8 ft. in lieu of the required 19.3 ft., and to approve an undersized lot.

Appearing at the hearing on behalf of the variance request were Lucinda Garriques and Pamela Hengemihle, property owners, Cheryl Williams, homebuilder and Bruce Doak, property line surveyor. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request consists of 0.193 acres, more or less, and is zoned D.R.3.5. The subject property is a waterfront lot located on Sue Creek in the Turkey Point area of Baltimore County. The property is currently improved with a small one-story single family frame dwelling. The Petitioners are

ORIGINAL RECEIVED FOR FILING
Date 2/23/00
By R. J. [Signature]

desirous of tearing down the old shore home and constructing a new single family residential dwelling in its place. In order to proceed with their plans, the variance requests are necessary.

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

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

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

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

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and

ORIGINAL FILED FOR FILING
DATE 02/23/00
BY J. J. [Signature]

that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioners of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioners any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations (attached herewith) which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.


These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

ORDER RECEIVED FOR FILING
10/23/00
J.P. Gannon

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 23rd day of February, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 303.1, 1B02.3.C, 303 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling to have a front yard setback of 16 ft. in lieu of the required front average of 25.8 ft., a side yard setback of 6 ft. totaling a sum of 12 ft. in lieu of the required 10 ft. and 25 ft. respectively, to allow an open projection with a setback of 8 ft. in lieu of the required 19.3 ft., and to approve an undersized lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated January 28, 2000, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

DATE 2/23/00
BY [Handwritten Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 23, 2000

Ms. Pamela Hengemihle
Ms. Lucinda Garriques
2403 Beach Avenue
Baltimore, Maryland 21221

Re: Petition for Variance
Case No. 00-294-A
Property: 2403 Beach Avenue

Dear Pam and Cindy:

Enclosed you will find my written decision approving your variance request for your new home. I met with Keith Kelley, a representative from Environmental Protection, with whom I believe you are familiar. I requested that the Department of Environmental Protection and Resource Management allow you to situate your house 6 ft. closer to the water's edge than the 85 ft. proposed. However, Mr. Kelley was strongly opposed to moving the house any closer to the water's edge than what is shown on your site plan. I tried to persuade him otherwise, however, I was unsuccessful in my request. I'm sorry I was not able to accommodate your wishes, but have granted you the variances to allow the house to be built.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Best of luck with the construction of your new home. If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Cindy - Give Ed Lancaster a call. You can reach him at 243-8567(H) or 410 977-1141 (cell). He wants to talk to you.

Come visit the County's Website at www.co.ba.md.us



Copies to:

Mr. Bruce Doak
Gerhold, Cross & Etzel
320 E. Towsontown Boulevard, Suite 100
Towson, Maryland 21286

Ms. Cheryl L. Williams
11100 Pulaski Highway
White Marsh, Maryland 21162



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2403 BEACH AVENUE

which is presently zoned DR-3.5

This Petition shall be filed with the Department of Permits and 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) 303.1, 1302.3.C, 303, 304
SEE ATTACHED

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

The lot is undersized for today's living standard. Being only 50' wide does not conform to the current zoning requirement of minimum 60' wide lots. The building envelope is also diminished by the 85' water line buffer area. The proposed house is normal size for house's being built today, and it had to be longer due to the narrowness of the lot. There are other houses, garages and structures in the area which are situated closer to the water and closer to the road.

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

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

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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

PAMELA A. HENGEMIHLE
Name - Type or Print _____

Pamela A. Hengemihle
Signature _____

LUCINDA GARRIGUES
Name - Type or Print _____

Lucinda R. Garrigues
Signature _____

2403 BEACH AVE 410-391-5617
Address Telephone No. _____

BALTIMORE MD 21221
City State Zip Code _____

Representative to be Contacted:

BRUCE DORR

GERHOLD CROSS + ETZEL 410-823-4470
Name _____

320 E. TOWSON TOWN BLVD SUITE 100
Address Telephone No. _____

BALTO. MD 21286
City State Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM Date 1/14/00

Case No. 294-A

CHANGES REQUIRED FOR FILING
Date 01/23/00

294

TO PERMIT A DWELLING TO HAVE A FRONT YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED FRONT AVERAGE OF 25.8 FEET, A SIDE YARD SETBACK OF 6 FEET TOTALING A SUM OF 12 FEET IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET RESPECTIVELY, TO HAVE AN OPEN PROJECTION WITH A SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 19.3 FEET AND ANY OTHER VARIANCES DEEMED NECESSARY BY THE ZONING COMMISSIONER. AND TO APPROVE AN UNDERSIZED LOT.

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

00-294-A

November 23, 1999

ZONING DESCRIPTION

PAMELA A. HENGMEIHLE & LUCINDA R. GARRIQUES PROPERTY

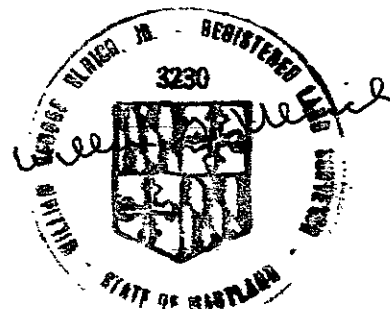
No. 2403 BEACH AVENUE

FIFTEENTH ELECTION DISTRICT, FIFTH COUNCILMANIC DISTRICT

Beginning for the same on the west side of Beach Avenue, 40 feet wide at the division line between Lots 20 and 21 as laid out and shown on the Plat of Turkey Point Farm, now known as Rockaway Beach, said plat being recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4 folio 171 said point of beginning also being 530 feet more or less measured northwesterly along the west side of Beach Avenue, 40 feet wide from the intersection of the extended centerline of Rockaway Beach Avenue with the west side of Beach Avenue, thence running and binding on the west side Beach Avenue, 1) by a line curving to right having a radius of 323.87 feet an arc length of 51.24 feet (the chord of said arc bearing North 12 degrees 19 minutes 10 seconds West 51.19 feet) thence leaving Beach Avenue and running and binding on the land of the herein petitioners the three following courses and distances, viz: 2) South 74 degrees 35 minutes 20 seconds West 169.11 feet, 3) South 20 degrees 55 minutes 50 seconds East 51.35 feet and, 4) North 74 degrees 35 minutes 20 seconds East 161.41 feet to the place of beginning.

Containing 0.19 of an Acre of Land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



294

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **077930**

DATE 1/14/00 ACCOUNT 001 6150

AMOUNT \$ 100.00

RECEIVED FROM: ERIC E

FOR: OLC VARIANCE

UNDERSIZE LOT APPROVAL

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL DNR.
1/18/2000 1/16/2000 1025.00
REB 4802 CASHIER DOLL DND BRNCF
DEPT 5 528 ZONING VERIFICATION
RECEIPT # 121625
OR NO. 077230
Receipt Tot 100.00
100.00 PK
BALTIMORE COUNTY, Maryland

CASHIER'S VALIDATION

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: #00-294-A

2403 Beech Avenue
W/S Beech Avenue, 530' NW of centerline

Rockaway Beach Avenue
15th Election District - 5th Councilmanic District

Legal Owner(s): Pamela Heipermille & Lucinda Garrigues
Variance: to permit dwelling with a front yard setback of 16 feet in lieu of the required front average of 25.8 feet and a side yard setback of 6 feet, totaling a sum of 12 feet, in lieu of the required 10 feet and 25 feet respectively; and to permit an open projection with a setback of 8 feet in lieu of the required 19.3 feet and any other variances deemed necessary by the zoning commissioner and to approve an under-sized lot.

Hearing: Thursday, February 17, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

LJZ/601 February 1 0367481

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/3, 2000

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 2/1, 2000.

THE JEFFERSONIAN,

P. Sullivan

LEGAL ADVERTISING

RECEIVED FEB 07 2000

CERTIFICATE OF POSTING

RE: CASE #00-294-A
PETITIONER/DEVELOPER
(Pamela Hengemihle)
DATE OF Hearing
(Feb 17, 2000)

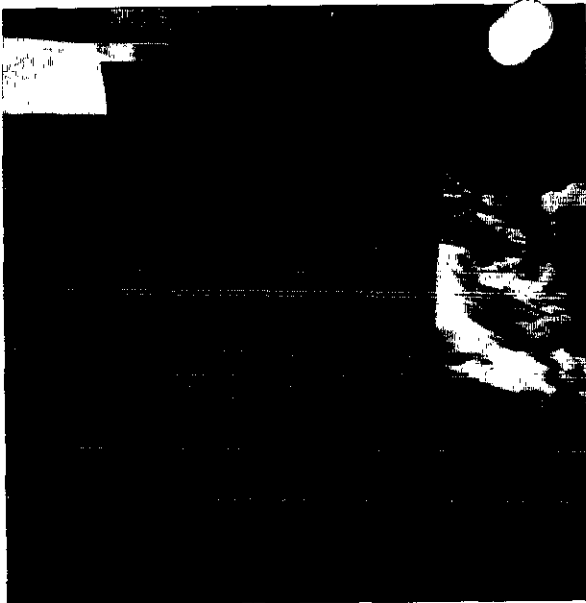
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
2403 Beach Avenue Baltimore, Maryland 21221 _____

The sign(s) were posted on _____ 1-29-00 _____
[Month, Day, Year]



Sincerely,


(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)

RECEIVED FEB 0 2 2000



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

January 20, 2000

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: 00-294-A

2403 Beach Avenue

W/S Beach Avenue, 530' NW of centerline Rockaway Beach Avenue

15th Election District – 5th Councilmanic District

Legal Owner: Pamela Hengemihle & Lucinda Garriques

Variance to permit dwelling with a front yard setback of 16 feet in lieu of the required front average of 25.8 feet and a side yard setback of 6 feet, totaling a sum of 12 feet, in lieu of the required 10 feet and 25 feet respectively; and to permit an open projection with a setback of 8 feet in lieu of the required 19.3 feet and any other variances deemed necessary by the zoning commissioner and to approve an undersized lot.

HEARING: Thursday, February 17, 2000 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", with the number "54" written below it.

Arnold Jablon
Director

c: Pamela Hengemihle & Lucinda Garriques, 2403 Beach Avenue, Baltimore 21221
Gerhold Cross & Etzel, 320 E. Towsontown Blvd., Baltimore 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 2, 2000.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 1, 2000 Issue – Jeffersonian

Please forward billing to:

Pam Hengemihle 410-391-0477
2403 Beach Avenue
Baltimore, MD 21221

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: 00-294-A

2403 Beach Avenue

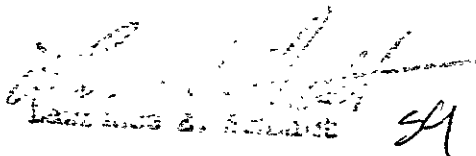
W/S Beach Avenue, 530' NW of centerline Rockaway Beach Avenue

15th Election District – 5th Councilmanic District

Legal Owner: Pamela Hengemihle & Lucinda Garriques

Variance to permit dwelling with a front yard setback of 16 feet in lieu of the required front average of 25.8 feet and a side yard setback of 6 feet, totaling a sum of 12 feet, in lieu of the required 10 feet and 25 feet respectively; and to permit an open projection with a setback of 8 feet in lieu of the required 19.3 feet and any other variances deemed necessary by the zoning commissioner and to approve an undersized lot.

HEARING: Thursday, February 17, 2000 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 00-294-A

Petitioner: PAM HENGEMIHLE

Address or Location: 2903 BEACH AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: PAM HENGEMIHLE

Address: 2903 BEACH AVE.

BALTIMORE MD. 21221

Telephone Number: 410-391-0477



Baltimore County
Department of Permits and
Development Management

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

February 11, 2000 dmlandacq@co.ba.md.us

Mr. Bruce Doak
Gerhold Cross & Etzel
320 E. Towsontown Blvd.
Baltimore MD 21286

Dear Mr. Doak:

RE: Case Number 00-294-A , 2403 Beach Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 14, 2000.

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

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

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 3, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

RECEIVED FEB 08 2000

SUBJECT: Zoning Advisory Committee Meeting
for January 31, 2000
Item Nos. 286, 288, 290, 291, 293,
294, and 295

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

January 28, 2000

RECEIVED FEB 04 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: PAMELA A. HENGEMIHLE AND LUCINDA GARRIQUES

Location: DISTRIBUTION MEETING OF JANUARY 24, 2000 Item No.: 294

Dear Ms. Stephens:

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

9. ACCESS FOR FIRE DEPARTMENT EMERGENCY APPARATUS IS NEEDED AT THE FOLLOWING PORTION(S) OF THE BUILDING FRONT. THE ACCESS ROAD SHALL BE A MINIMUM OF 18 FEET IN WIDTH.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *AMS*
DATE: January 28, 2000
SUBJECT: Zoning Item #294
2403 Beach Avenue

RECEIVED FEB 04 2000

Zoning Advisory Committee Meeting of January 24, 2000

- 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.
- 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 (Section 14-401 through 14-422 of the Baltimore County Code).
 - 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).

Reviewer: Keith Kelley

Date: January 28, 2000

ORDER RECEIVED FOR FILING
DATE: 2/23/00
By: *R. Seeley*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED
JAN 28
5/16

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

Date: January 28, 2000

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

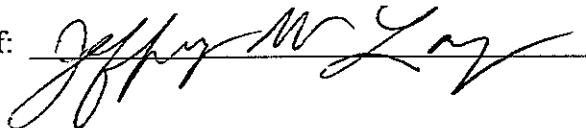
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 284, 290, and 294

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 1.24.00

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

RE: Baltimore County
Item No. 294 LTM

RECEIVED JAN 27 2000

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

10 Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

RE: PETITION FOR VARIANCE
2403 Beach Avenue, W/S Beach Ave,
530' NW of c/I Rockaway Beach Ave
15th Election District, 5th Councilmanic


Legal Owner: Pamela A. Hengemihle and
Lucinda Garriques
Petitioner(s)

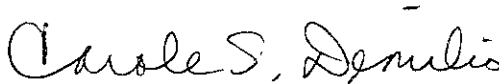
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-294-A

* * * * *

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
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of February, 2000 a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontowne Blvd., Suite 100, Towson, MD 21286, representative for Petitioners.


PETER MAX ZIMMERMAN

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. _____

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

Residential Processing Fee Paid (\$50.00)
Accepted by <u>LLOYD MOXLEY</u>
Date <u>1/14/00</u>

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 and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Pam Hengemihle + ^{LUCINDA}GARRIQUES 2403 Beach Avenue Baltimore, MD 21221
Print Name of Applicant Address Telephone Number

Lot Address 2403 Beach Avenue Election District 15 Councilmanic District 5 Square Feet 8412

Lot Location: NE S (W/side) corner of Beach Avenue 485' +- feet from (NE SW) corner of Rockaway Bch
(street) (street)

Land Owner: Pamela Hengemihle / LUCINDA GARRIQUES Tax Account Number 1508652150

Address: 2403 Beach Avenue Baltimore MD 21221 Telephone Number (410) 391-0977

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED?	
	YES	NO
1. This Recommendation Form (3 copies)	<u>✓</u>	_____
2. Permit Application	_____	_____
3. Site Plan Property (3 copies)	<u>✓</u>	_____
Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly)	<u>✓</u>	_____
4. Building Elevation Drawings	<u>✓</u>	_____
5. Photographs (please label all photos clearly) Adjoining Buildings	<u>✓</u>	_____
Surrounding Neighborhood	_____	_____
6. Current Zoning Classification: <u>DR 3.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

Approval Disapproval Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning and Community Conservation

Date: _____

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

Department of Permits and Development Management (PDM)

**County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204**

The application for your proposed Building Permit application has been reviewed and is accepted for filing by _____ on _____
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE DOAK - GERHOLD, CROSS & ERZEL 320 E. TOWSON TOWNSHIP BLVD. TOWSON, MD 21286

LUCINDA GARRIGUES, HOME OWNER 2403 BEACH AVE BALTIMORE MD 21221

PAMELA HENGENHLE, HOMEOWNER 2403 BEACH AVE, BALTO. MD 21221

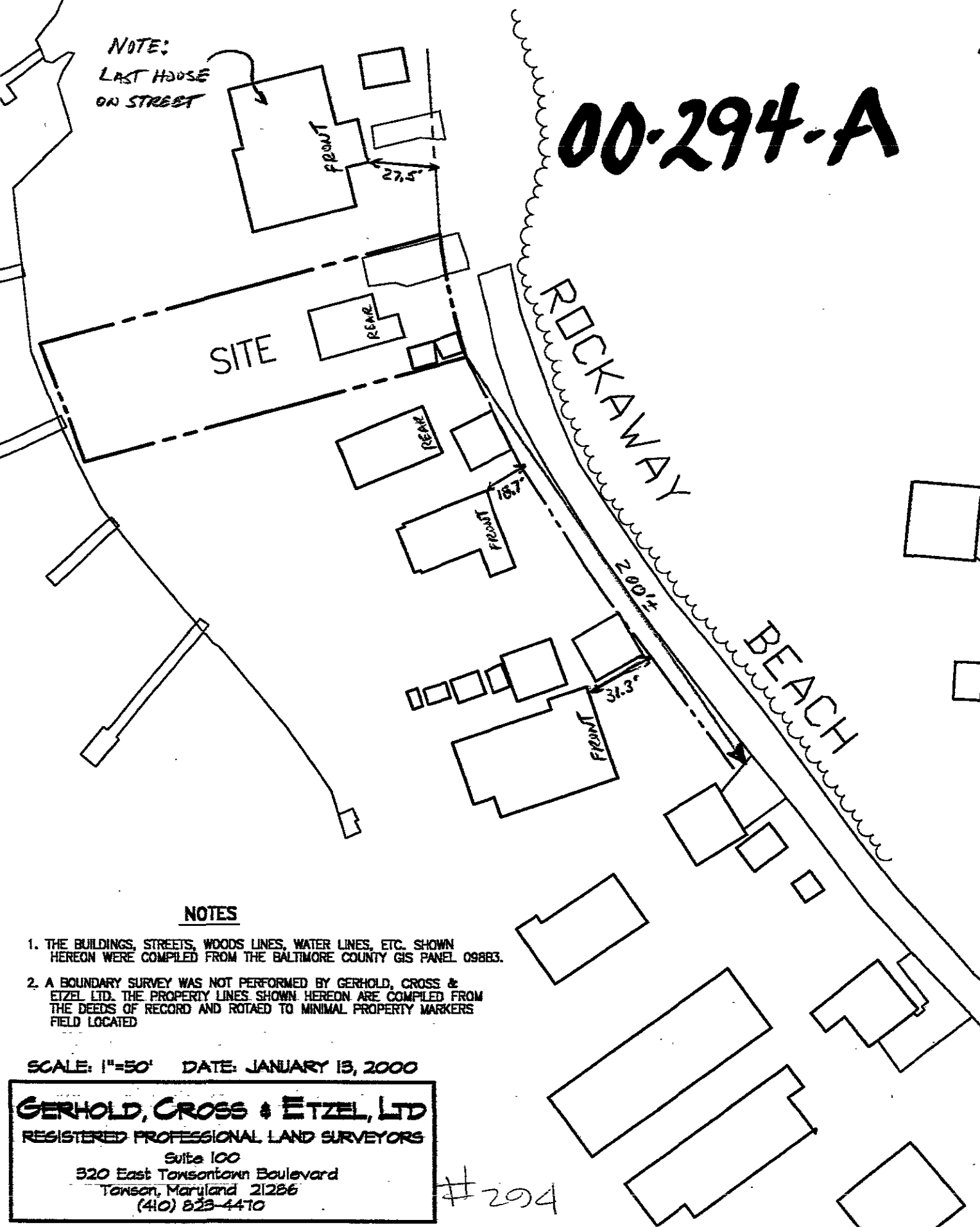
Cheyl & William, Old 11100 Bullock Hwy - White, Md 21162



POSITIONERS EXHIBIT

00-294-A

NOTE:
LAST HOUSE
ON STREET



NOTES

1. THE BUILDINGS, STREETS, WOODS LINES, WATER LINES, ETC. SHOWN HEREON WERE COMPILED FROM THE BALTIMORE COUNTY GIS PANEL 098B3.
2. A BOUNDARY SURVEY WAS NOT PERFORMED BY GERHOLD, CROSS & ETZEL LTD. THE PROPERTY LINES SHOWN HEREON ARE COMPILED FROM THE DEEDS OF RECORD AND ROTATED TO MINIMAL PROPERTY MARKERS FIELD LOCATED

SCALE: 1"=50' DATE: JANUARY 13, 2000

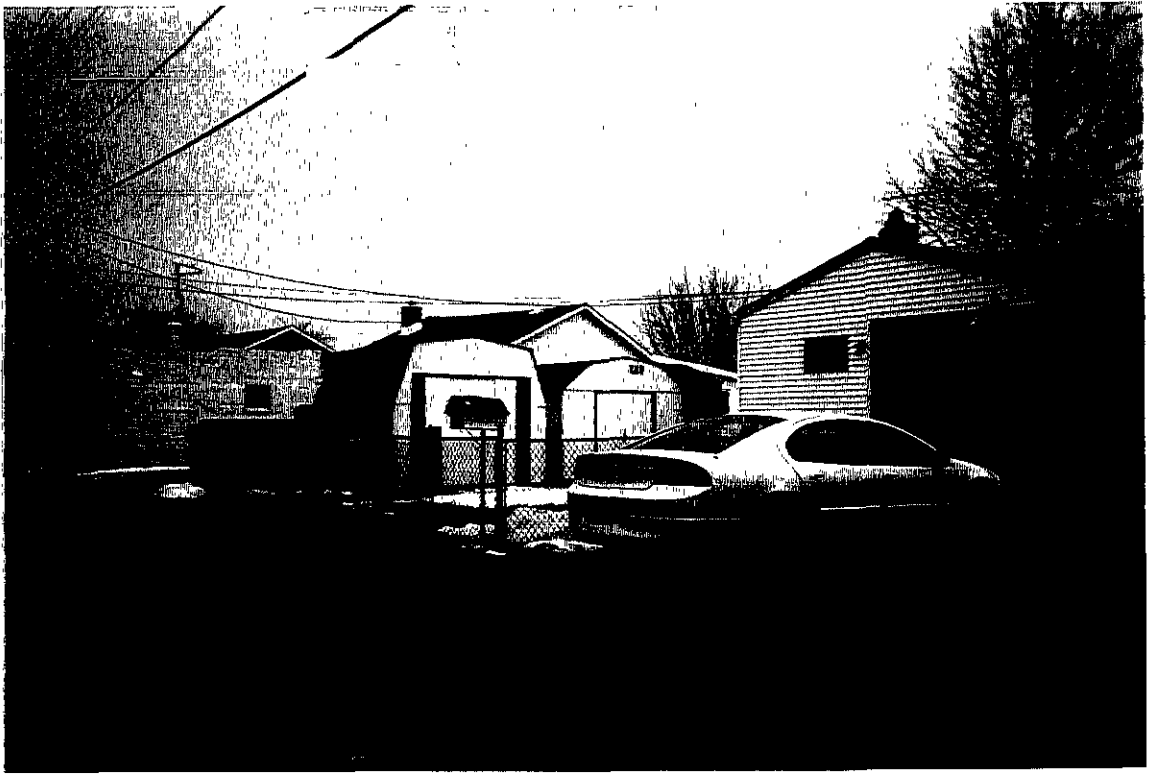
GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

#294

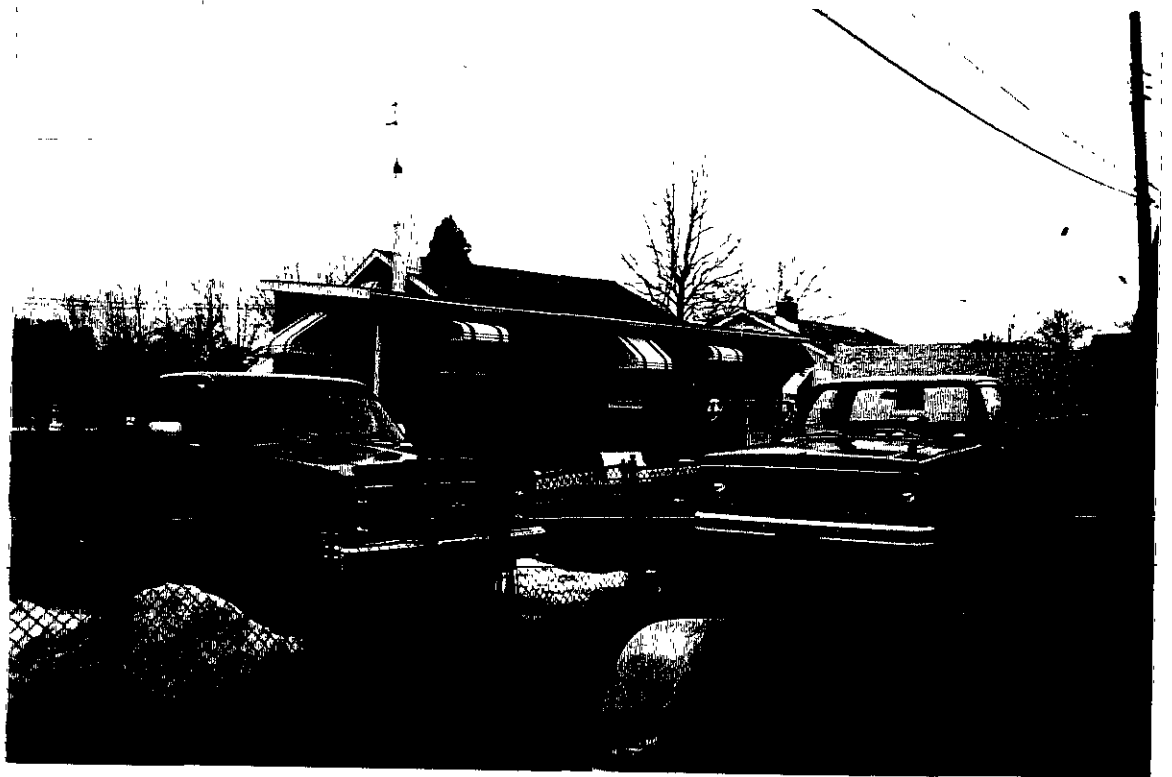














00-294A

RIVER

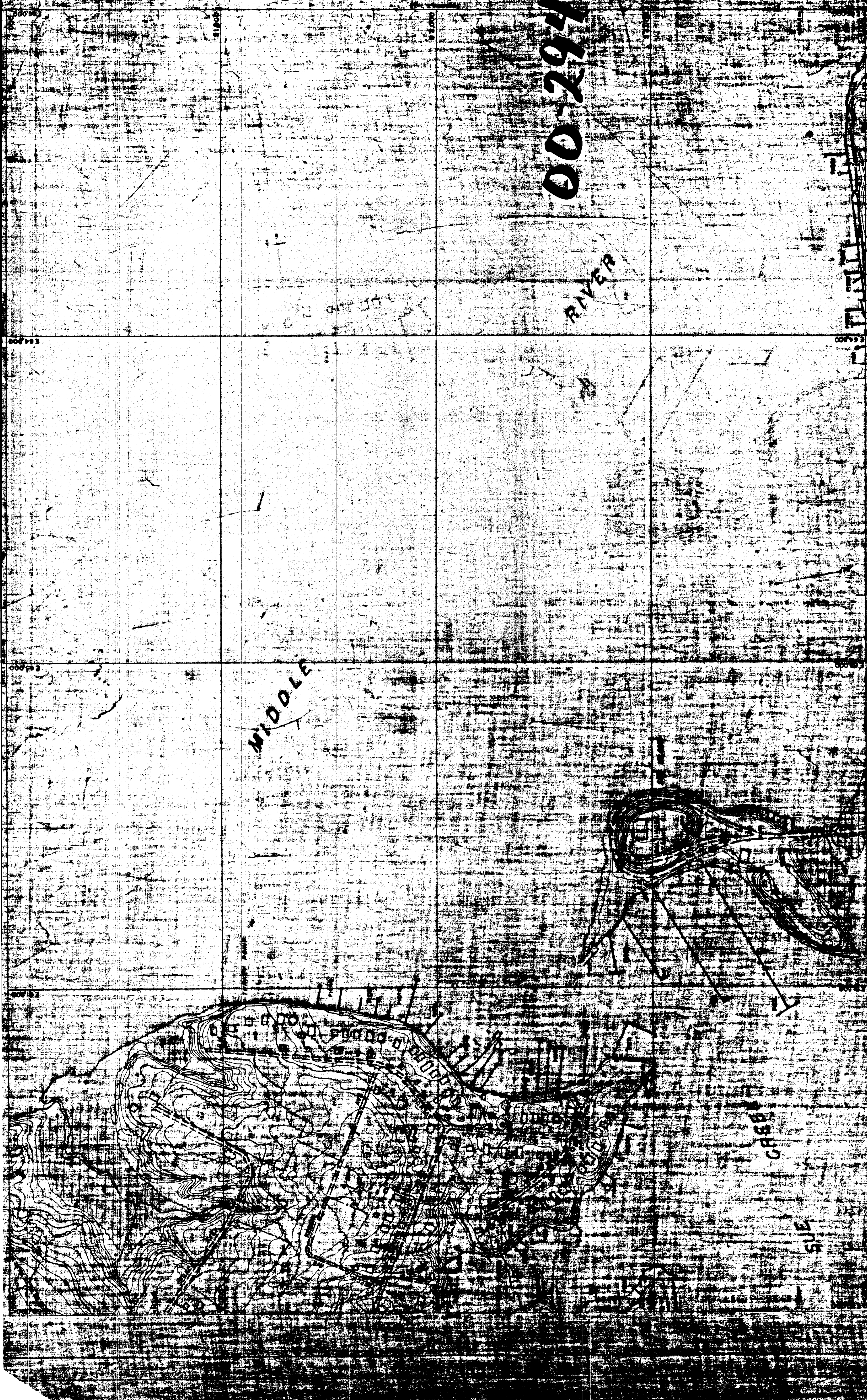
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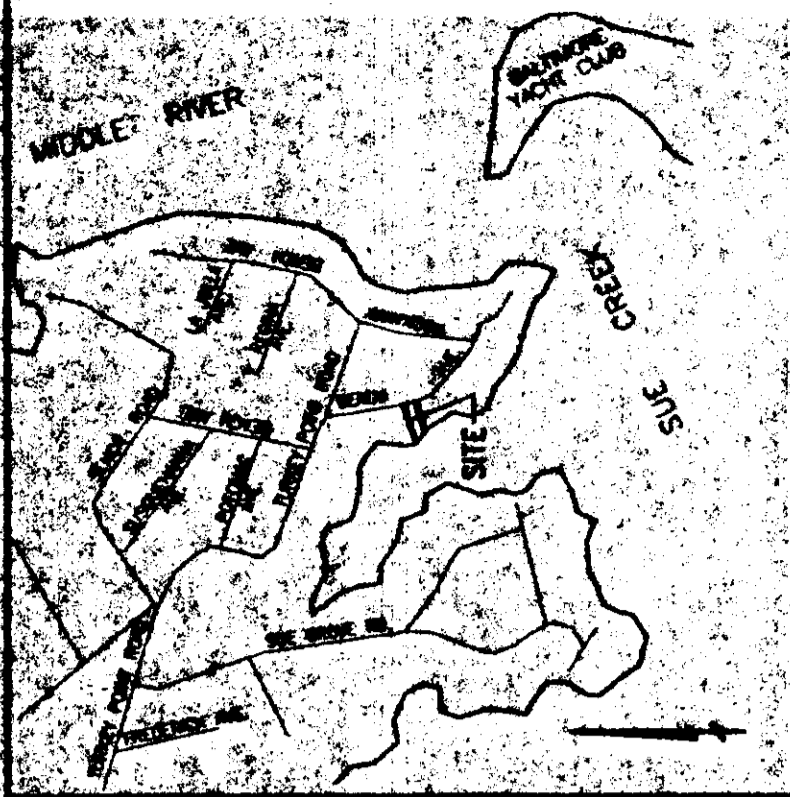
CREEK

SUP

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

NO.	REVISIONS	DATE	BY	SCALE	SHEET
1					
2					
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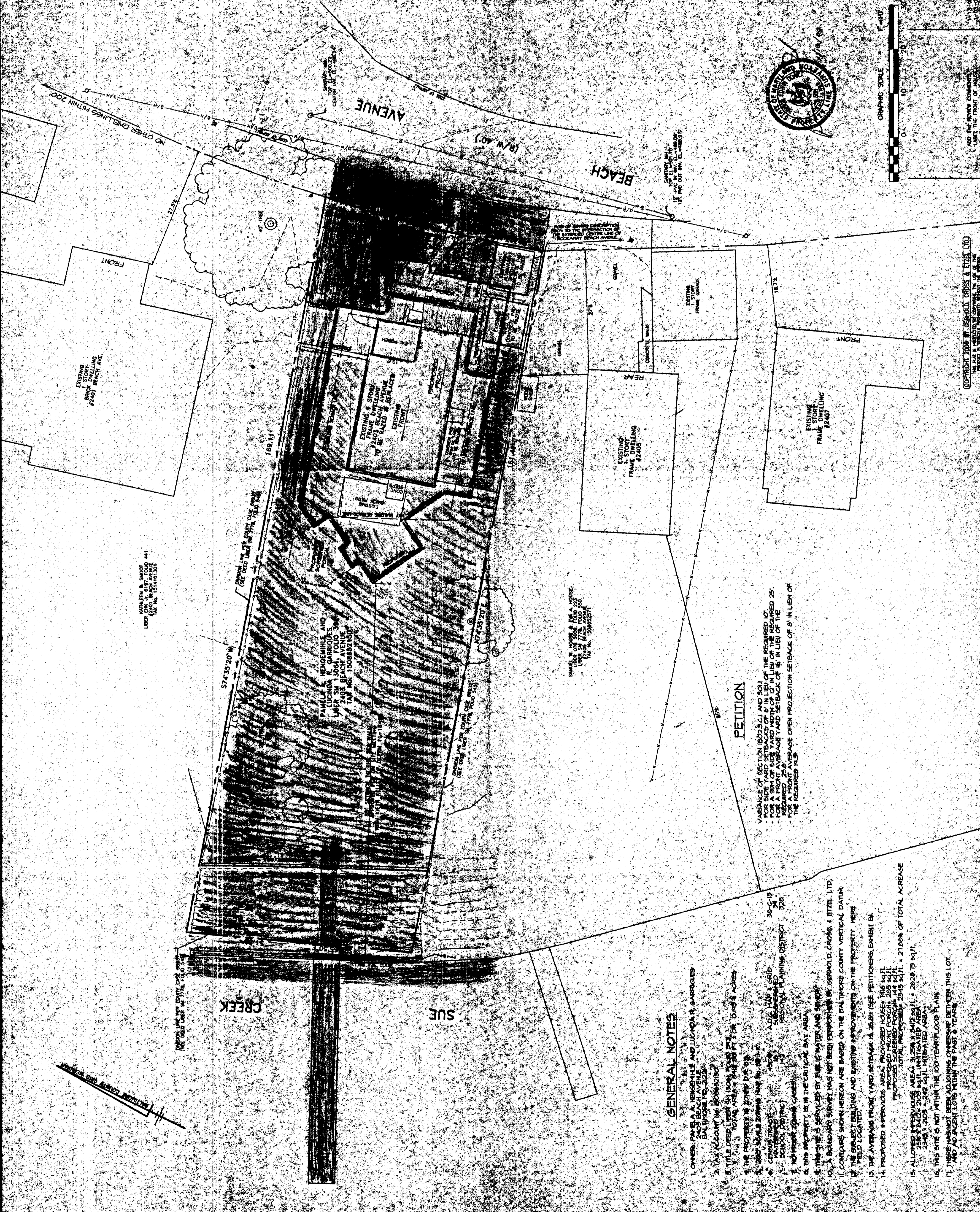




VICINITY PLAN
SCALE: 1"=100'

LEGEND

- CHAIN-LINK FENCE
- MOOD FENCE
- BOUNDARY LINE
- OVERHEAD UTILITY LINE
- UNDERGROUND SANITARY SEWER LINE
- HANDLE
- 6" GAS OR WATER VALVE
- UTILITY POLE
- CURB CUT



**PLAT TO ACCOMPANY A PETITION
FOR
ZONING VARIANCES
HENGEMBLE AND GARRIGUES
PROPERTY**

2403 BEACH AVENUE
Deed Ref: SM No 1506, Tolls 342
Tax Account No: 150652150
Zone: DR 3
Tax Map: 98 Grid 15 Parcel 211

15th ELECTION DISTRICT
5th COUNCILMANS DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=10' DATE: OCTOBER 29, 1999

SERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
Phone: (410) 613-4470



GRAPHIC SCALE
0 10 20 30 40 50 60 70 80 90 100
1"=100'

NO OTHER DIMENSIONS WITHIN 200'
NO OTHER DIMENSIONS WITHIN 200'

APPROVED & SIGNED
LESTER S. WOOD, JR., P.E., F.O.S.
DATE: 10/29/99

PALUCHA HENGEMBLE AND
GARRIGUES
LESTER S. WOOD, JR., F.O.S.
2403 BEACH AVENUE
TOWSON, MD 21286
TAX MAP NO. 150652150

SAMUEL W. MOORE & DAVID A. MOORE
LESTER S. WOOD, JR., F.O.S.
DATE: 10/29/99

PETITION

VARIANCE OF SECTION 1502.24, AND 201
FOR SIDE YARD SETBACKS OF 6' IN LIEU OF THE REQUIRED 10'.
FOR A 50% OF SIDE YARD HEIGHT OF 12' IN LIEU OF THE REQUIRED 25'.
FOR A 20' REAR YARD SETBACK OF 18' IN LIEU OF THE
REQUIRED 30'.
FOR A FRONT AVERAGE OPEN PROJECTION SETBACK OF 0' IN LIEU OF
THE REQUIRED 14.5'

GENERAL NOTES

1. OWNER: PALUCHA HENGEMBLE AND GARRIGUES
2. TAX MAP NO. 150652150
3. TITLE DEED LIBER 81, 817, FOLD 3
4. THE PROPERTY IS ZONED DR 3
5. THE PROPERTY IS 1.77 ACRES
6. THE PROPERTY IS 1.77 ACRES
7. THE PROPERTY IS 1.77 ACRES
8. THIS PROPERTY IS IN THE CRITICAL BAY AREA
9. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER
10. A BOUNDARY SURVEY HAS NOT BEEN COMPLETED BY SERHOLD, CROSS, & ETZEL, LTD.
11. CONTIGUOUS SHOW HEREON ARE BASED ON THE BALTIMORE COUNTY VERTICAL DATUM
12. THE SHOWN BUILDINGS AND EXISTING IMPROVEMENTS ON THE PROPERTY WERE
FIELD LOCATED
13. THE AVERAGE FRONT YARD SETBACK IS 26.24' (SEE PETITIONERS EXHIBIT B)
14. PROPOSED IMPROVEMENTS AREA: 312.20 SQ. FT. + 20.28 SQ. FT. = 332.48 SQ. FT.
TOTAL PROPOSED IMPROVEMENTS AREA: 332.48 SQ. FT. + 21.20% OF TOTAL ACREAGE
15. ALLOWED FUTURE AREA: 312.20 SQ. FT. + 20.28 SQ. FT. = 332.48 SQ. FT.
TOTAL ALLOWED FUTURE AREA: 332.48 SQ. FT. + 21.20% OF TOTAL ACREAGE
16. THIS SITE IS NOT WITHIN THE 100 YEAR FLOOD HAZARD
AND ADJACENT LOTS WITHIN THE PAST 5 YEARS

00-294-A

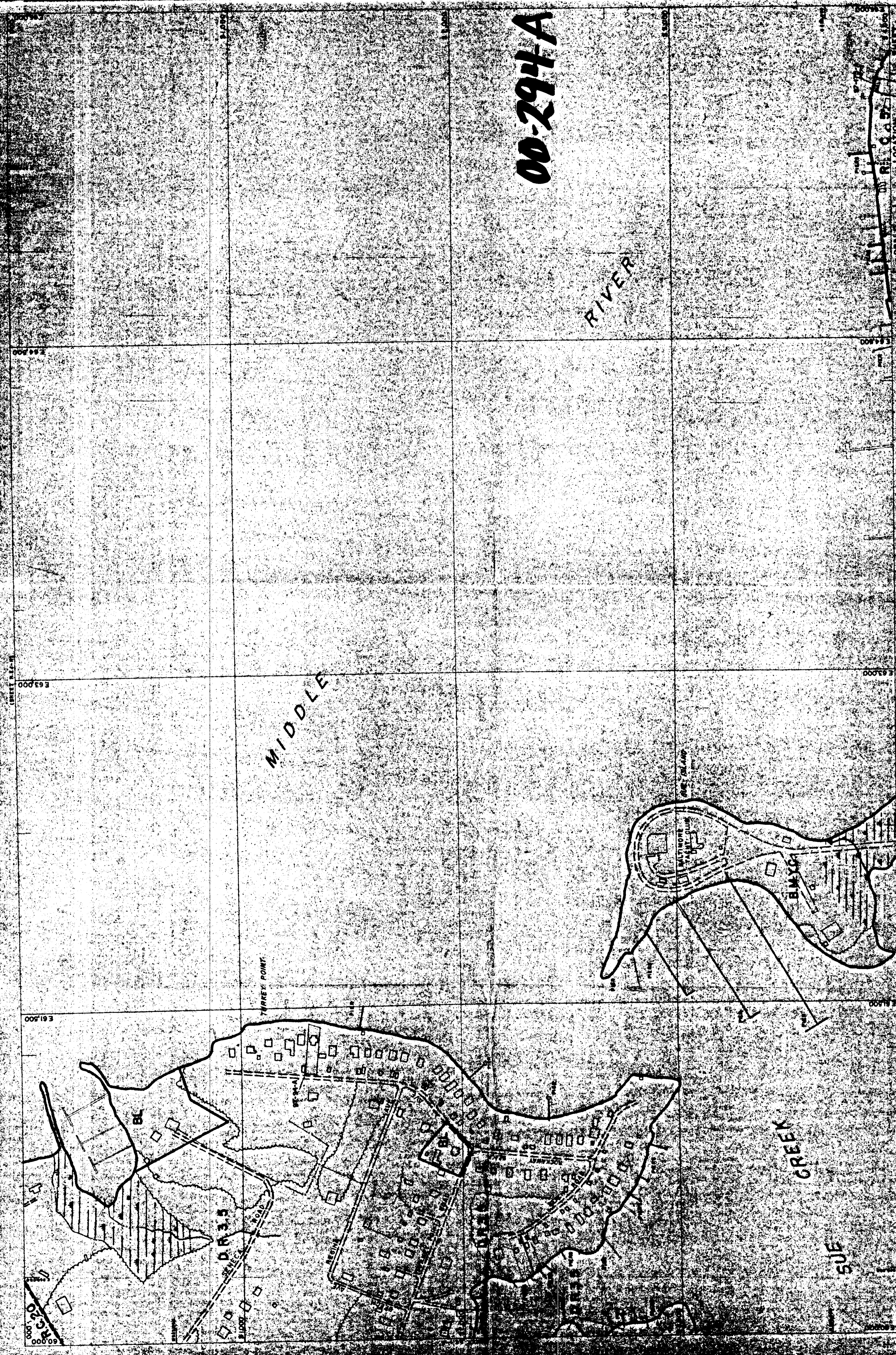
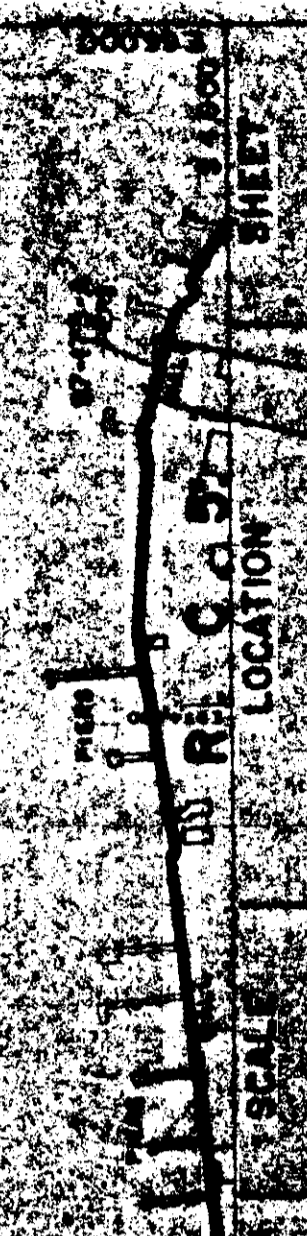
RIVER

MIDDLE

CREEK

SUE

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP



LEGEND
ZONING DISTRICTS
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