

IN RE: PETITION FOR ADMIN. VARIANCE

E/S Ellenham Avenue, 720' N
of Ruxton Road
9th Election District
4th Councilmanic District
(7817 Ellenham Avenue)

Judith H. & K. Donald Proctor
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 01-355-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Judith H. and K. Donald Proctor. The variance request is for property located at 7817 Ellenham Avenue in the Ruxton area of Baltimore County. The Petitioners herein seek a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure with a proposed height of 25 ft. 6 in. in lieu of the maximum permitted 15 ft. and to permit the accessory structure to continue to be located in the front yard and side yard in lieu of the rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

ORDER RECEIVED FOR FILING

DATE

BY

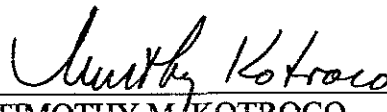
4/5/01
[Signature]

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of April 2001, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure with a proposed height of 25 ft. 6 in. in lieu of the maximum permitted 15 ft. and to permit the accessory structure to continue to be located in the front yard and side yard in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORIGINAL FILED FOR FILING
B.C. 4/5/01
BY [Signature]



Baltimore County
Zoning Commissioner

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

April 5, 2001

Mr. & Mrs. K. Donald Proctor
7817 Ellenham Avenue
Ruxton, Maryland 21204

Re: Petition for Administrative Variance
Case No. 01-355-A
Property: 7817 Ellenham Avenue

Dear Mr. & Mrs. Proctor:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

***Note:** This order replaces my previous order in this case signed and dated April 3, 2001.

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



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7817 Ellenham Avenue
which is presently zoned D.R.1

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 AND

400.3 (Height of accessory buildings shall not exceed 15 feet). TO PERMIT AN ACCESSORY STRUCTURE WITH A PROPOSED HEIGHT OF 25 FT. 6 INCHES IN LIEU OF THE MAXIMUM PERMITTED 15 FT. AND TO PERMIT THE ACCESSORY STRUCTURES TO CONTINUE TO BE LOCATED IN FRONT YARD AND SIDE YARD IN LIEU OF REAR YARD.

of the zoning regulations of Baltimore County, for the reasons indicated on the back of this petition form.

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:

K. Donald Proctor

Name - Type or Print

Signature

K. Donald Proctor, P.A.

Company

102 W. Pennsylvania Ave. 410-823-2258

Address

Telephone No

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

K. Donald Proctor

Name - Type or Print

Signature

Judith H. Proctor

Name - Type or Print

Signature

W: 410-823-2258

7817 Ellenham Ave. H: 410-823-7817

Address

Telephone No

Ruxton

MD

21204

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 01-355-A

Reviewed By UL

Date 3/08/01

Estimated Posting Date 3/18/01

REV 9/15/98

ORDER RECEIVED FOR FILING

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows. That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

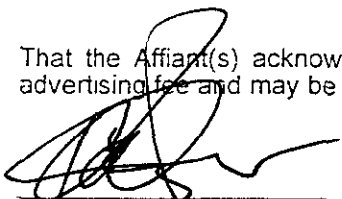
That the Affiant(s) does/do presently reside at 7817 Ellenham Avenue
Address
Ruxton MD 21204
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty)

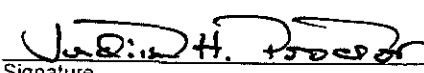
Our existing unattached garage has a flat shed-type roof which is architecturally incompatible with both our residence and other nearby residences. We wish to add a storage area above the existing garage by adding a peaked roof. The interior of the garage and the storage area will be unfinished and will have no water supply.

While in theory we could raze the existing garage and build a garage attached to the existing residence (without a 15 foot height limitation), the lot slopes significantly to the rear and would severely limit the ability to carry out that construction. As a result, that construction would be much more difficult on our lot than on surrounding properties and would be a substantial burden. *See attached.*

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature

K. Donald Proctor
Name - Type or Print


Signature

Judith H. Proctor
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

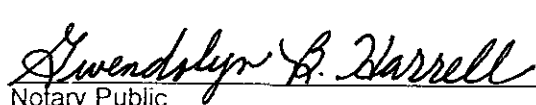
I HEREBY CERTIFY, this 7th day of February ~~MARCH~~, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

K. Donald Proctor and Judith H. Proctor

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief

AS WITNESS my hand and Notarial Seal

March 7, 2001
Date


Notary Public

My Commission Expires

GWENDOLYN B. HARRELL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 31, 2004

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

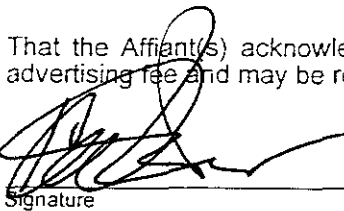
That the Affiant(s) does/do presently reside at 7817 Ellenham Avenue
Address
Ruxton MD 21204
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Our existing unattached garage has a flat shed-type roof which is architecturally incompatible with both our residence and other nearby residences. We wish to add a storage area above the existing garage by adding a peaked roof. The interior of the garage and the storage area will be unfinished and will have no water supply.

While in theory we could raze the existing garage and build a garage attached to the existing residence (without a 15 foot height limitation), the lot slopes significantly to the rear and would severely limit the ability to carry out that construction. As a result, that construction would be much more difficult on our lot than on surrounding properties and would be a substantial burden. *See attached-*

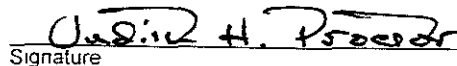
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.



Signature

K. Donald Proctor

Name - Type or Print



Signature

Judith H. Proctor

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit.

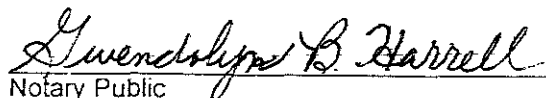
I HEREBY CERTIFY, this 7th day of February MARCH, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

K. Donald Proctor and Judith H. Proctor

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief

AS WITNESS my hand and Notarial Seal

March 7, 2001
Date



Notary Public

My Commission Expires

GWENDOLYN B. HARRELL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 31, 2004



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7817 Ellenham Avenue
which is presently zoned D.R.1

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 AND

400.3 (Height of accessory buildings shall not exceed 15 feet). TO PERMIT AN ACCESSORY STRUCTURE WITH A PROPOSED HEIGHT OF 25 FT. 6 INCHES IN LIEU OF THE MAXIMUM PERMITTED 15 FT. AND TO PERMIT THE ACCESSORY STRUCTURES TO CONTINUE TO BE LOCATED IN FRONT YARD AND SIDE YARD IN LIEU OF REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

K. Donald Proctor

Name - Type or Print

Signature

K. Donald Proctor, P.A.

Company

102 W. Pennsylvania Ave. 410-823-2258

Address

Telephone No

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

K. Donald Proctor

Name - Type or Print

Signature

Judith H. Proctor

Name - Type or Print

Signature

W: 410-823-2258

7817 Ellenham Ave. H: 410-823-7817

Address

Telephone No

Ruxton

MD

21204

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 01-355-A

Reviewed By JL

Date 3/08/01

Estimated Posting Date

3/18/01

ATTACHMENT,

In addition, the existing garage, ~~that~~^{and pool} were present when we purchased this property in August of 1998 and appeared very old at that time. We desire to bring their ~~the~~ current locations into compliance with existing zoning regulations.

355

**ZONING DESCRIPTION FOR
7817 ELLENHAM AVENUE**

Beginning at a point in the center of Ellenham Avenue which is 30 feet wide, at the distance of 720 feet north of the centerline of Ruxton Road, which is 30 feet wide, the following courses and distances, as recorded in the Deed to the premises, Liber 13075, folio 84, and as shown on the May 10, 1999 Survey of the premises by Daft-McCune-Walker: N 05° 25' 20" E 111.16 feet; N 01° 04' 40" W 50.00 feet; N 07° 04' 40" W 50.00 feet; N 18° 04' 40" W 49.58 feet; N 88° 12' 20" E 260.06 feet; S 05° 48' 12" E 221.67 feet; S 37° 21' 37" W 37.88 feet; S 86° 33' 10" W 224.33 feet to the point of beginning. Containing 1.43 acres, more or less. Also known as 7817 Ellenham Avenue and located in the 9th Election District, 4th Councilmanic District.

01-355-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

93025

JL 355

DATE 3/28/01 ACCOUNT 001 006 5150

AMOUNT \$ 50.00

RECEIVED FROM: BRIAN

FOR: RES VAR FILING

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT METHOD TIME
3/28/2001 3/28/2001 11:45:52
CASHIER JRIC JMR DRIVER 1
RECEIPT # 03612
OFFLN
FUND 5 528 BOND VERIFICATION
NO. 093025

PAID TO 50.00
PAID BY 50.00
BALANCE 0.00
Baltimore County, Maryland

CASHIER'S VALIDATION

01-355-A

CERTIFICATE OF POSTING

ADMIN

RE: Case No

01-355-A

Petitioner/Developer

PROCTOR, ETAL

Date of Hearing/Closing

4/2/01

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 #7817-ELLENHAM AVE.

The sign(s) were posted on

3/14/01

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/18/01
(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)



01-355-A
7817-ELLENHAM AVE.
PROCTOR

4/2/01

**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: 01-355-A
Petitioner: K. Donald Proctor and Judith H. Proctor
Address or Location: 7817 Ellenham Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: K. Donald Proctor
Address: ~~78~~ Suite 505, 102 W. Pennsylvania Ave.
Towson, MD. 21204
Telephone Number: x 410-823-2258

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 01- 355 -AAddress 7817 ELLENHAM AVE.Contact Person: J. L. LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3/08/01Posting Date: 3/18/01Closing Date: 4/02/01

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 01- 355 -AAddress 7817 ELLENHAM AVE.Petitioner's Name DONALD AND JUDITH PROCTORTelephone 410-823-2258Posting Date: 3/18/01Closing Date: 4/02/01

Wording for Sign: To Permit AN ACCESSORY STRUCTURE WITH A PROPOSED HEIGHT OF 25 FT. 6 INCHES IN LIEU OF THE MAXIMUM PERMITTED 15 FT. AND TO PERMIT THE ACCESSORY STRUCTURES TO CONTINUE BE LOCATED IN FRONT AND SIDE YARDS IN LIEU OF REAR YARD (POOL AND GARAGE)



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

April 2, 2001

Judith H & K Donald Proctor
7817 Ellenham Avenue
Ruxton MD 21204

Dear Mr. & Mrs. Proctor:

RE: Case Number: 01-355-A, 7817 Ellenham Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 8, 2001.

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

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

Very truly yours,

W. Carl Richards Jr.

W. Carl Richards, Jr. 602
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel





Baltimore County
Fire Department

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

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: SEE BELOW

Location: DISTRIBUTION MEETING OF March 19, 2001

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

346, 347, 348, 349, 351, 352, 353, 354, 355, 356, and 01-322-SPHA

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

cc: File

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





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.15.01

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

RE: Baltimore County
Item No. 355

JLL

Dear Ms. Jackson:

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,

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MB*

DATE: March 28, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of March 19, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
346	13800 Princess Anne Way
348	1 Glencliffe Circle
351	3704 Valley Hill Drive
352	5 Wildon Court
354	324 Fox Lair Drive
355	7817 Ellenham Avenue
356	1919 Calais Court
322 Revised	8105 McDaniel Avenue

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 28, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For March 26, 2001
Item Nos. 346, 348, 350, 351, 352, 354,
355, and 356

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

RWB:HJO:jrb

cc: File

AN
4/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 29, 2001

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

MAR 30

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-355

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Lay

AFK/JL:MAC

Sept
APR
4/4

LAW OFFICES
K. DONALD PROCTOR, P.A.
A PROFESSIONAL CORPORATION
SUITE 505
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4542

www.proctorlaw.com

K. DONALD PROCTOR
kdproctor@proctorlaw.com

TELEPHONE 410-823-2258
FACSIMILE 410-823-2268

April 4, 2001

VIA HAND DELIVERY

Mr. Lawrence R. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

APR - 4

**Re: 7817 Ellenham Avenue
K. Donald Proctor and Judith H. Proctor
Petition for Administrative Variance, Case No.: 01-355-A**

Dear Commissioner Schmidt:

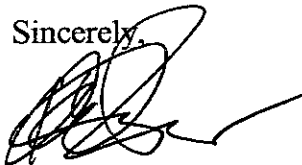
The closing date for requesting a public hearing in this matter expired Monday and no request for hearing has been filed.

I am enclosing for your consideration along with the Petition, a letter from Mr. and Mrs. Louis Horst, Jr., who residence is the closest structure to the garage in question. Mr. and Mrs. Horst state in that letter that they have no objection to the proposed variance.

Please note, however, that Mr. and Mrs. Horst have requested, should you grant the variance, that your order provide that the garage in question not be used for residential purposes. My wife, Judith, and I are the Petitioners in this matter and we join in that request.

Please let me know if anything further is required.

Sincerely,



K. Donald Proctor

KDP:gbh
Enclosure

cc: Mr. and Mrs. Louis Horst, Jr.

Nancy Worden Horst

April 2, 2001

APR - 4

Mr. Lawrence R. Schmidt
Zoning Commissioner
Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

**Re: 7817 Ellenham Avenue
K. Donald and Judith H. Proctor
Petition for Administrative Variance
Case 01-355-A**

Dear Commissioner Schmidt:

My husband, Louis Horst, Jr., and I reside at 7819 Ellenham Avenue, Towson, just to the north of the Proctors. The garage attached to our residence is the closest structure to the Proctors' existing garage.

We have reviewed the Proctors' Petition for Administrative Variance as well as the plans for the addition of a second story to the Proctors' garage with our neighbors to the east and southeast of the Proctors, Gary and Wendy Hurley (residing at 7815 Ellenham Avenue) and Joseph and Shirley Hooper (residing at 7813 Ellenham Avenue). We understand that the addition of a second story to the Proctors' garage will increase its height by 16'6" for a total height of 25'6". We have no objection to this construction or to the granting of the variance.

The petition states that there will be no water service in the garage. The Hurleys and the Hoopers join me in asking that you provide in your order, as a condition to the variance, that *neither the garage nor the addition to it be used for residential purposes*. It is our understanding that the Proctors agree that such a condition be included in your order.

Thank you for considering our request. Please notify us of your decision at the address below.

Sincerely,



Nancy W. Horst

LAW OFFICES
K. DONALD PROCTOR, P.A.
A PROFESSIONAL CORPORATION
SUITE 505
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4542

www.proctorlaw.com

K. DONALD PROCTOR
kdproctor@proctorlaw.com

TELEPHONE 410-823-2258
FACSIMILE 410-823-2268

April 9, 2001

VIA HAND DELIVERY

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

Re: 7817 Ellenham Avenue
K. Donald Proctor and Judith H. Proctor
Petition for Administrative Variance, Case No.: 01-355-A

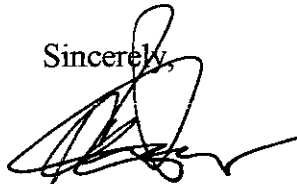
Dear Mr. Kotroco:

Thank you for your letter of April 3, 2001 and your enclosed Order. It appears, however, that your letter and Order crossed in the mail with my letter of April 4 to Commissioner Schmidt and the enclosed April 2, 2001 letter to Commissioner Schmidt from our neighbor Nancy Worden Horst. Copies of each of these letters are enclosed.

Those letters both request that your Order provide that the garage, as added to, not be used for residential purposes. It would be appreciated if your Order could be amended to so provide at this time. In addition, I would request that, if possible, your amended order be effective as of April 3, 2001.

Thank you for your consideration.

Sincerely,



K. Donald Proctor

APR - 9

KDP:gbh
Enclosures

cc: Mr. and Mrs. Louis Horst, Jr.

LAW OFFICES
K. DONALD PROCTOR, P.A.
A PROFESSIONAL CORPORATION
SUITE 505
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4542

www.proctorlaw.com

K. DONALD PROCTOR
kdproctor@proctorlaw.com

TELEPHONE 410-823-2258
FACSIMILE 410-823-2268

April 4, 2001

VIA HAND DELIVERY

Mr. Lawrence R. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

**Re: 7817 Ellenham Avenue
K. Donald Proctor and Judith H. Proctor
Petition for Administrative Variance, Case No.: 01-355-A**

Dear Commissioner Schmidt:

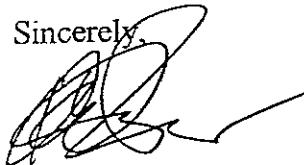
The closing date for requesting a public hearing in this matter expired Monday and no request for hearing has been filed.

I am enclosing for your consideration along with the Petition, a letter from Mr. and Mrs. Louis Horst, Jr., who residence is the closest structure to the garage in question. Mr. and Mrs. Horst state in that letter that they have no objection to the proposed variance.

Please note, however, that Mr. and Mrs. Horst have requested, should you grant the variance, that your order provide that the garage in question not be used for residential purposes. My wife, Judith, and I are the Petitioners in this matter and we join in that request.

Please let me know if anything further is required.

Sincerely,



K. Donald Proctor

KDP:gbh
Enclosure

cc: Mr. and Mrs. Louis Horst, Jr.

Nancy Worden Horst

April 2, 2001

Mr. Lawrence R. Schmidt
Zoning Commissioner
Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

**Re: 7817 Ellenham Avenue
K. Donald and Judith H. Proctor
Petition for Administrative Variance
Case 01-355-A**

Dear Commissioner Schmidt:

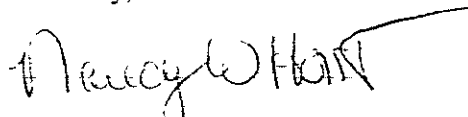
My husband, Louis Horst, Jr., and I reside at 7819 Ellenham Avenue, Towson, just to the north of the Proctors. The garage attached to our residence is the closest structure to the Proctors' existing garage.

We have reviewed the Proctors' Petition for Administrative Variance as well as the plans for the addition of a second story to the Proctors' garage with our neighbors to the east and southeast of the Proctors, Gary and Wendy Hurley (residing at 7815 Ellenham Avenue) and Joseph and Shirley Hooper (residing at 7813 Ellenham Avenue). We understand that the addition of a second story to the Proctors' garage will increase its height by 16'6" for a total height of 25'6". We have no objection to this construction or to the granting of the variance.

The petition states that there will be no water service in the garage. The Hurleys and the Hoopers join me in asking that you provide in your order, as a condition to the variance, that *neither the garage nor the addition to it be used for residential purposes*. It is our understanding that the Proctors agree that such a condition be included in your order.

Thank you for considering our request. Please notify us of your decision at the address below.

Sincerely,

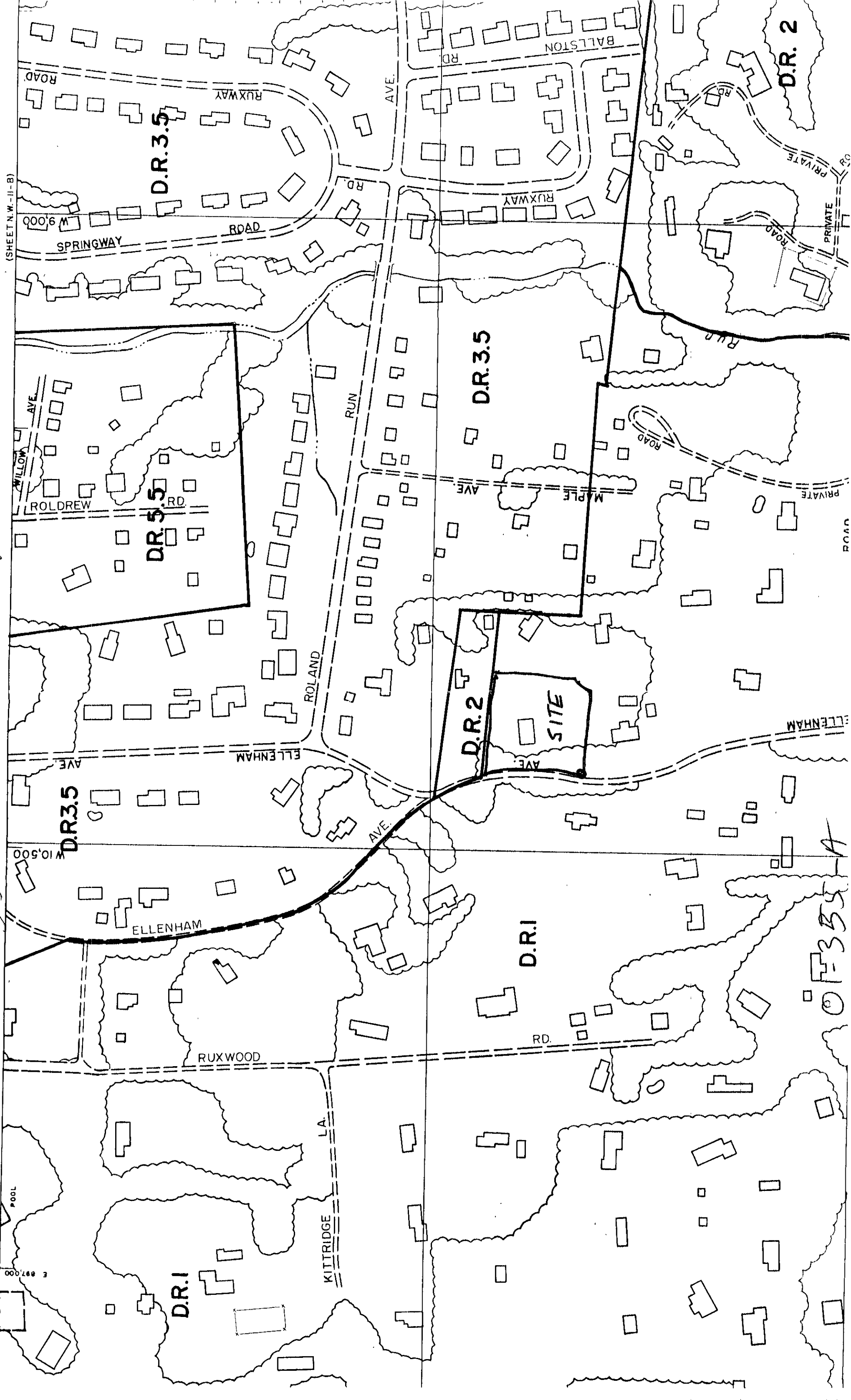


Nancy W. Horst

7819 Ellenham Avenue Baltimore, Maryland

FROM 1"=200' MAP NO. NW-10B

255



D.R. 2

D.R. 3.5

D.R. 3.5

D.R. 5

D.R. 2

SITE

D.R. 3.5

D.R. 1

D.R. 1

0 F 3 B 5 A

PHOTOGRAPHS TO ACCOMPANY PETITION FOR ZONING VARIANCE

Address: 7817 Ellenham Avenue

Owners: K. Donald and Judith H. Proctor

355



Front of garage



South side of garage

-1-

01-355-A

PHOTOGRAPHS TO ACCOMPANY PETITION FOR ZONING VARIANCE

Address: 7817 Ellenham Avenue

Owners: K. Donald and Judith H. Proctor

355



Rear of garage looking northwest



Front of garage looking northeast

PHOTOGRAPHS TO ACCOMPANY PETITION FOR ZONING VARIANCE

Address: 7817 Ellenham Avenue

Owners: K. Donald and Judith H. Proctor

355



Front of garage looking southeast



Front of garage looking south.

PHOTOGRAPHS TO ACCOMPANY PETITION FOR ZONING VARIANCE

Address: 7817 Ellenham Avenue

Owners: K. Donald and Judith H. Proctor



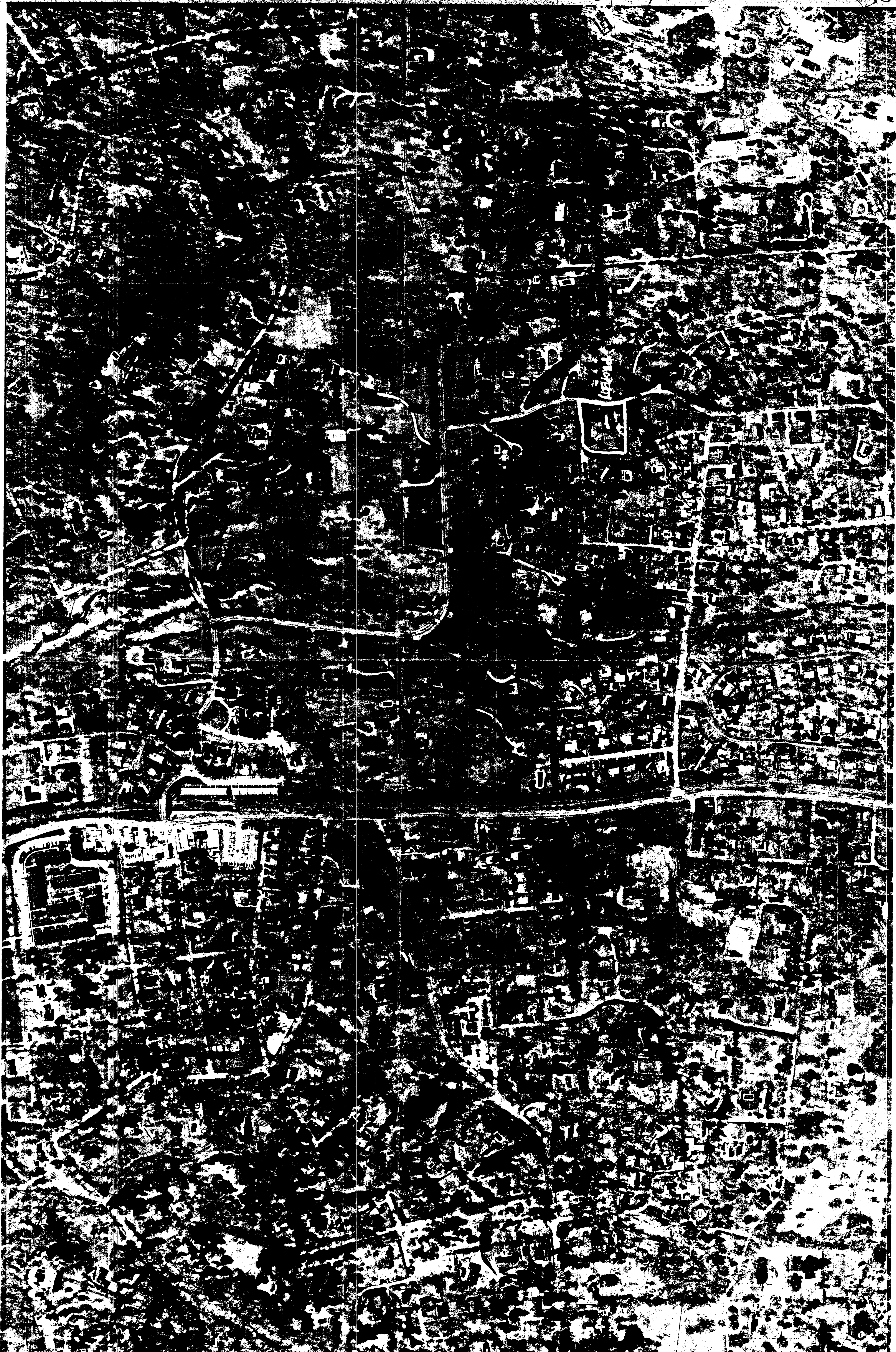
355

Rear of garage looking northwest



Rear of garage looking north.

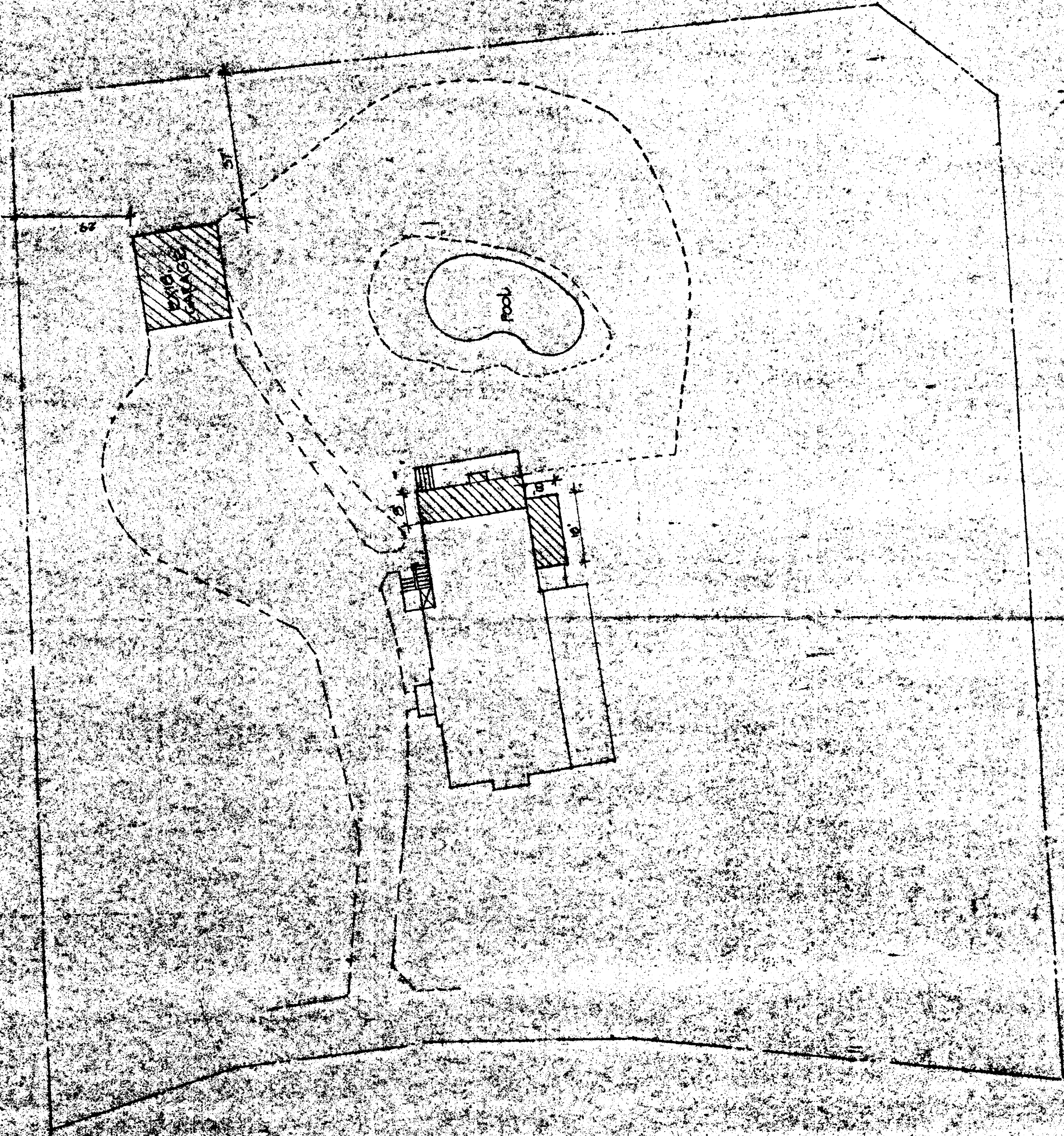
01335-1A



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	1" = 200' ±	LOCATION	SHEET	MICROFILMED
DATE OF PHOTOGRAPHY	JANUARY 1966	RUXTON	N.W. 10-B	



PLOT PLAN - 7017 ELLENHAM AVE.
LIBEN 07/15/05, FOLIO 84

SCALE 1" = 20'-0"



Demolition Notes

The outline form used for these specifications is intended to clarify the building process and allow the contractor reasonable latitude in the interest of cost control. The omission of exhaustive descriptions of method and labor does not imply any reduction in the quality of performance. Temporary power and lighting shall be provided and paid for by the contractor.

All necessary insurance shall be carried by the contractor. Permits, fees and approvals required by government agencies shall be obtained and paid for by the contractor.

Demolition and cutting required in the existing work shall be performed by tradesmen skilled in the type of work to be done. No structural elements shall be cut without first obtaining permission of the architect. Inspect existing conditions of work including elements subject to movement or damage during cutting and bracing. Provide shoring, bracing and support as required to maintain the structural integrity of the project, protection for the other portions of the project, and protection from the elements and weather. If any discrepancies are found between the drawing and actual conditions at the site, the architect reserves the right to make such minor adjustments in work specified as necessary to accomplish the intent of the contract documents without increase in cost to the owner.

Protect existing utilities that are encountered. Support, shore up and protect same. Allow ample opportunity and time for measures necessary for continuance and/or relocation of such services.

Excavating cleaning to insure that building grounds are maintained free of accumulation of waste materials and rubbish. Wet down dry materials and rubbish to lay dust and prevent blowing of dirt. At reasonable intervals during the progress of work, clean site and dispose of waste materials, debris and rubbish.

At the completion of demolition work, remove waste materials, rubbish, tools, equipment, machinery and clean all the site exposed surfaces. Leave project clean and ready for new construction. Maintain project in accord with OSHA and insurance standards. Prevent accumulation of wastes which create hazardous conditions. Provide adequate ventilation during use of volatile noxious substances. Conduct cleaning and disposal operations to comply with local ordinances and anti-pollution laws.

Construction Notes

All items identified by the architect to be saved and protected for later reuse or other disposal shall be labeled and removed by the contractor in safe storage. Provide wood blocking in walls as required for sheet piling, etc.

In conflict between the notes on this page and specifications, these notes shall have precedence. Written dimensions shall have precedence over scaled dimensions.

Contractor shall verify and be responsible for all dimensions and conditions on the job. The architect is to be notified of any variation from the dimensions and conditions shown on the drawings.

All construction dimensions and details shall conform with and be determined by these drawings only.

Contractor shall be responsible for adequately bracing and protecting all work during construction against damage, breakage, collapse, distortion, and misalignment according to applicable codes, standards and good practice.

Construction shall comply with all federal, state and local codes, ordinances, rules and regulations pertaining to labor and materials.

Mechanical ventilation shall be provided as required. All work to conform to Baltimore Building Department requirements, Fire Dept. regulations, utility company requirements and local trade practices.

Any damage caused by or during execution of work is the responsibility of the contractor and shall be repaired to owner's satisfaction.

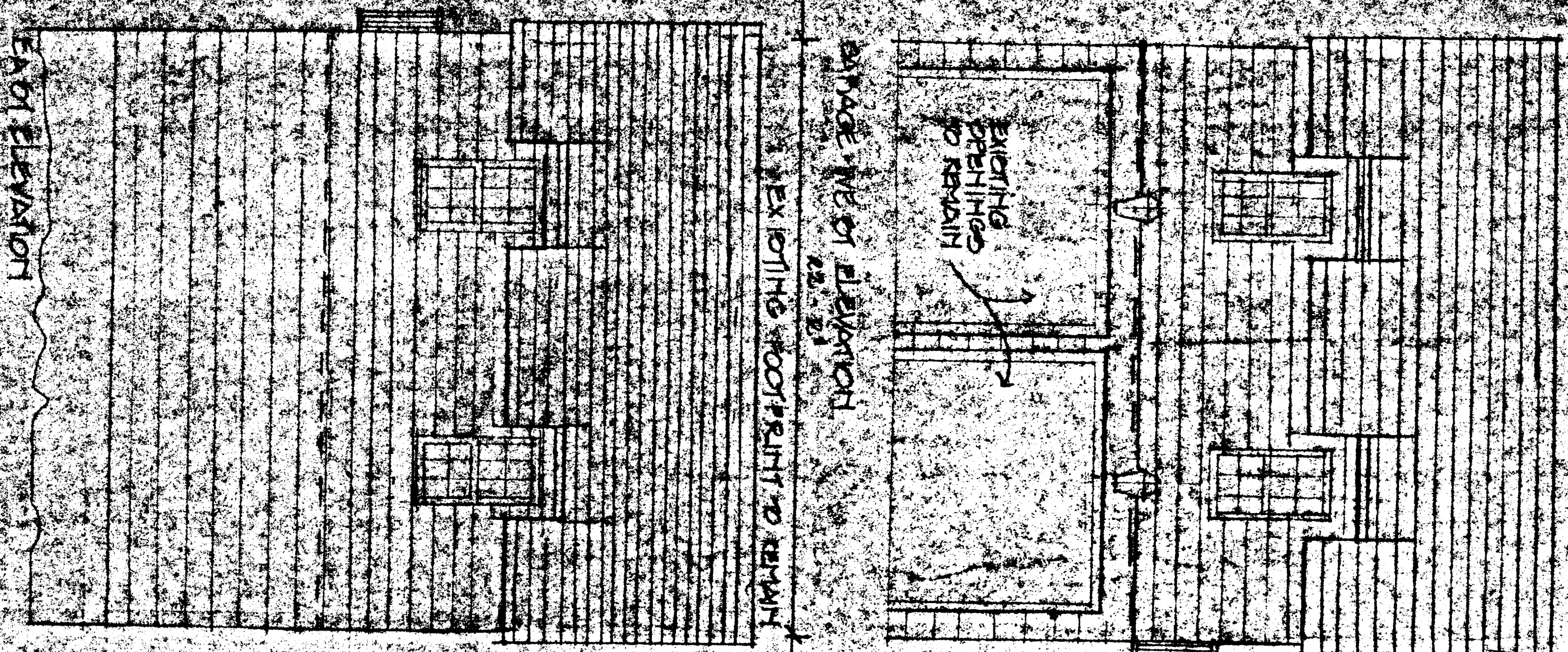
All necessary and required inspections shall be made and properly filed with the appropriate departments by a qualified licensed professional of the State of Maryland. Said inspections, filings and licensed professionals shall be retained by and be the responsibility of the contractor. The architect, engineer or other person who supervised or super-intended the work is required to be present at the final inspection.

LIST OF DRAWINGS

- A-1 PLOT PLAN, NOTES, LIST OF DRAWINGS
- A-12 EXISTING GARAGE MODIFICATIONS

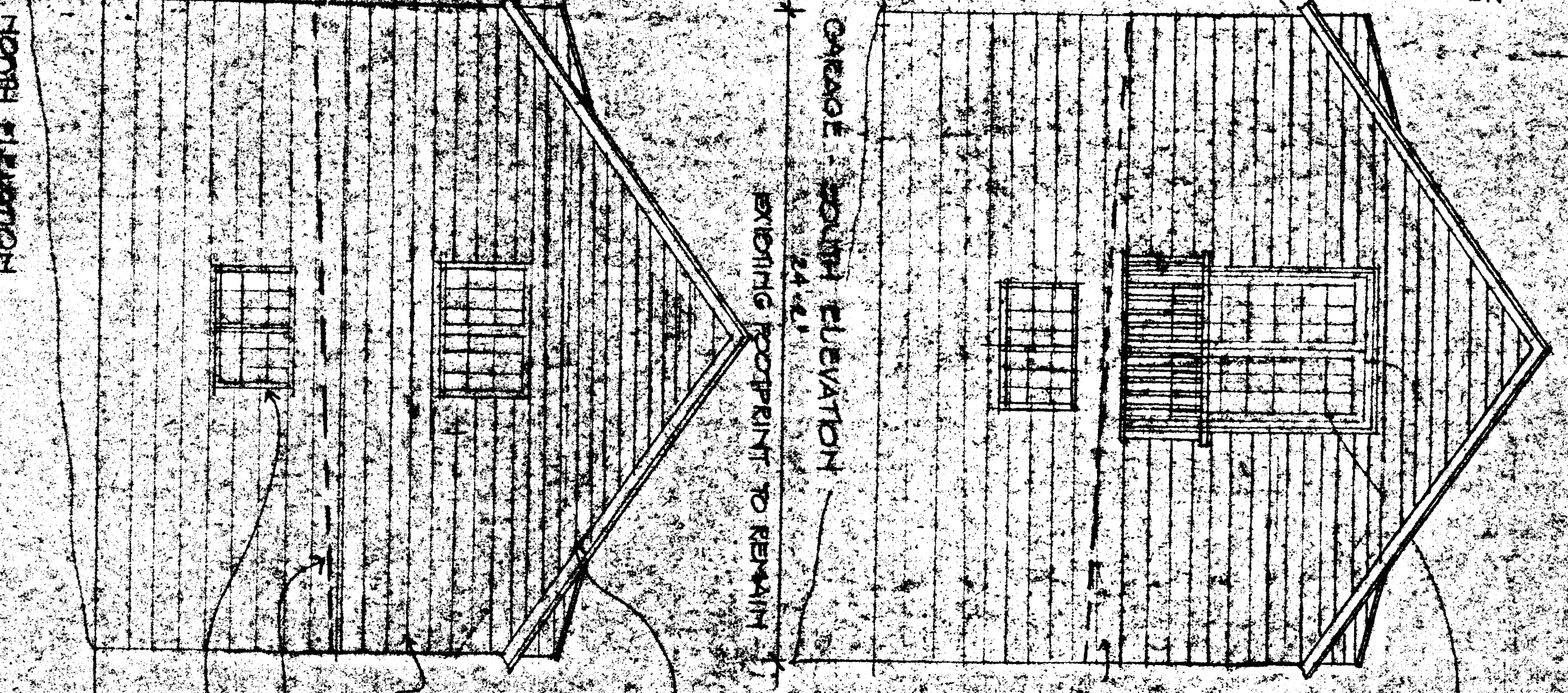
01-335-A

PROJECT GARAGE	
7017 ELLENHAM AVE. BALTIMORE, MD	
DATE 2/21/01	PROJECT NO.
ARCHITECT	
PO BOX 65, BLITHESDALE, MD 21038	
NOTE PLAN	



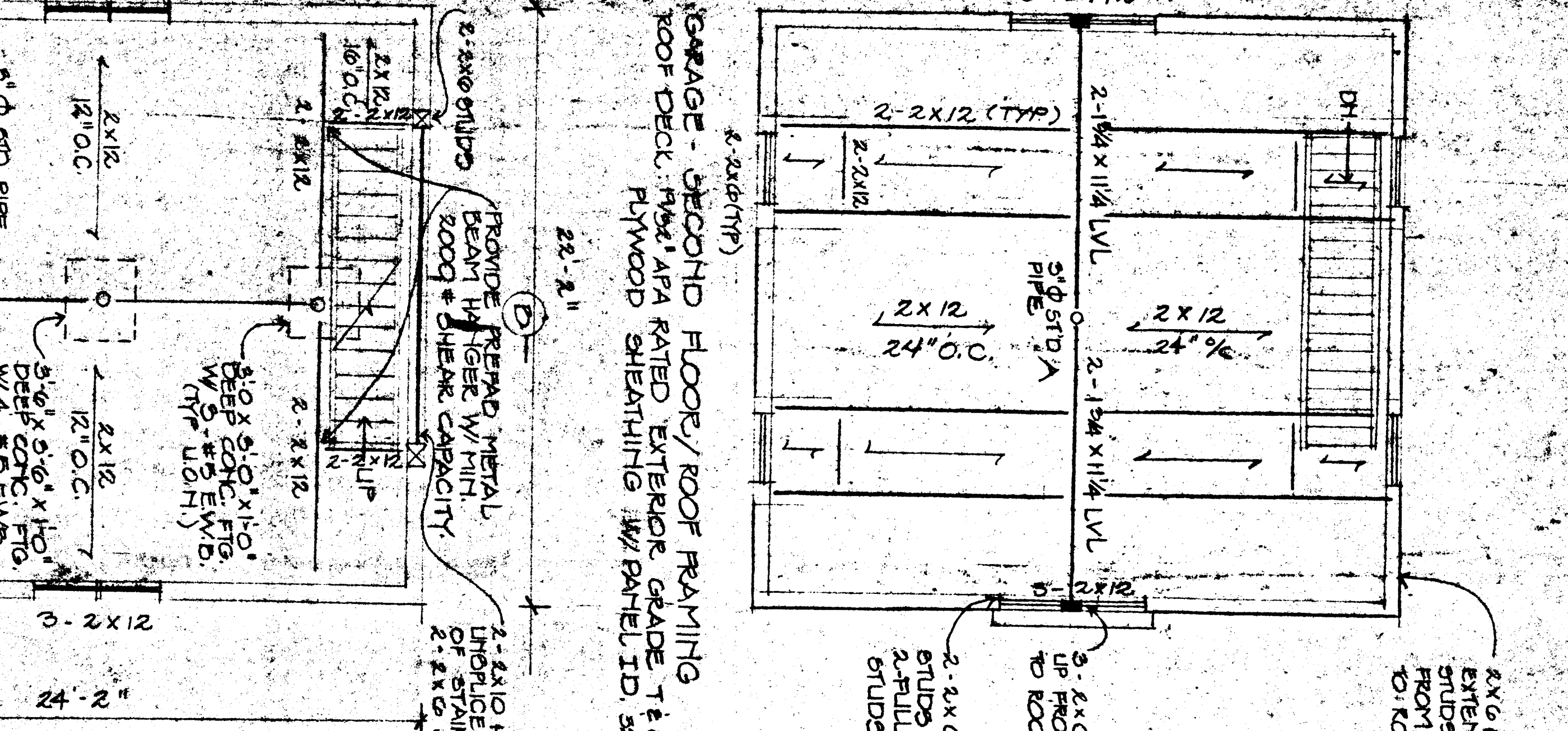
EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN

EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN



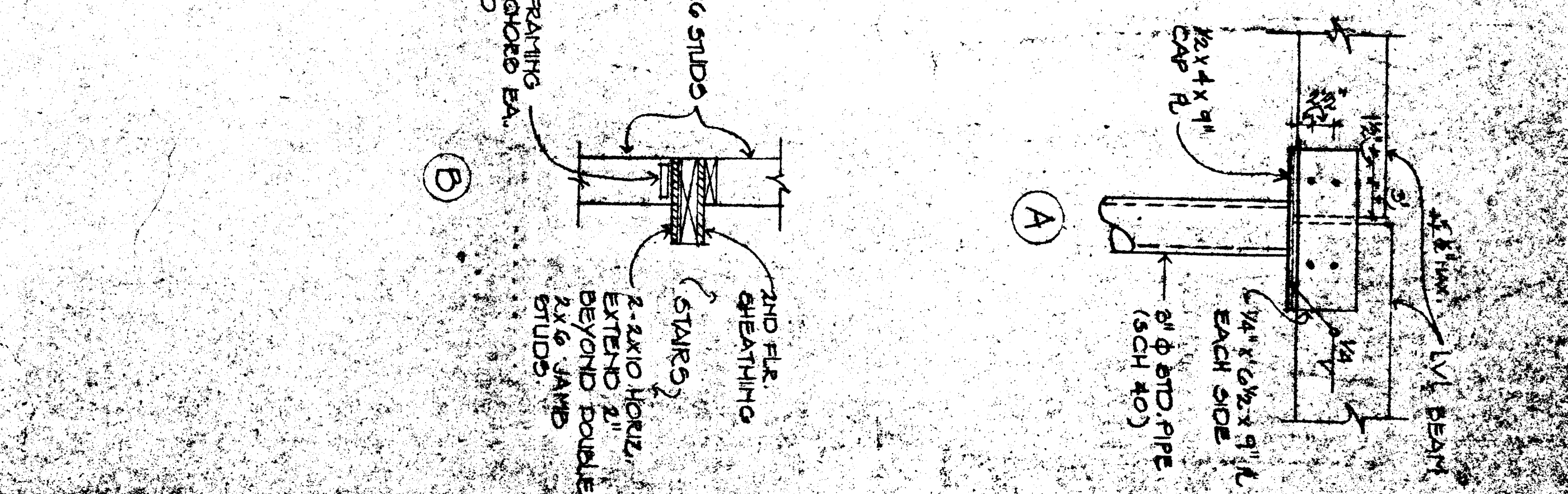
EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN

EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN



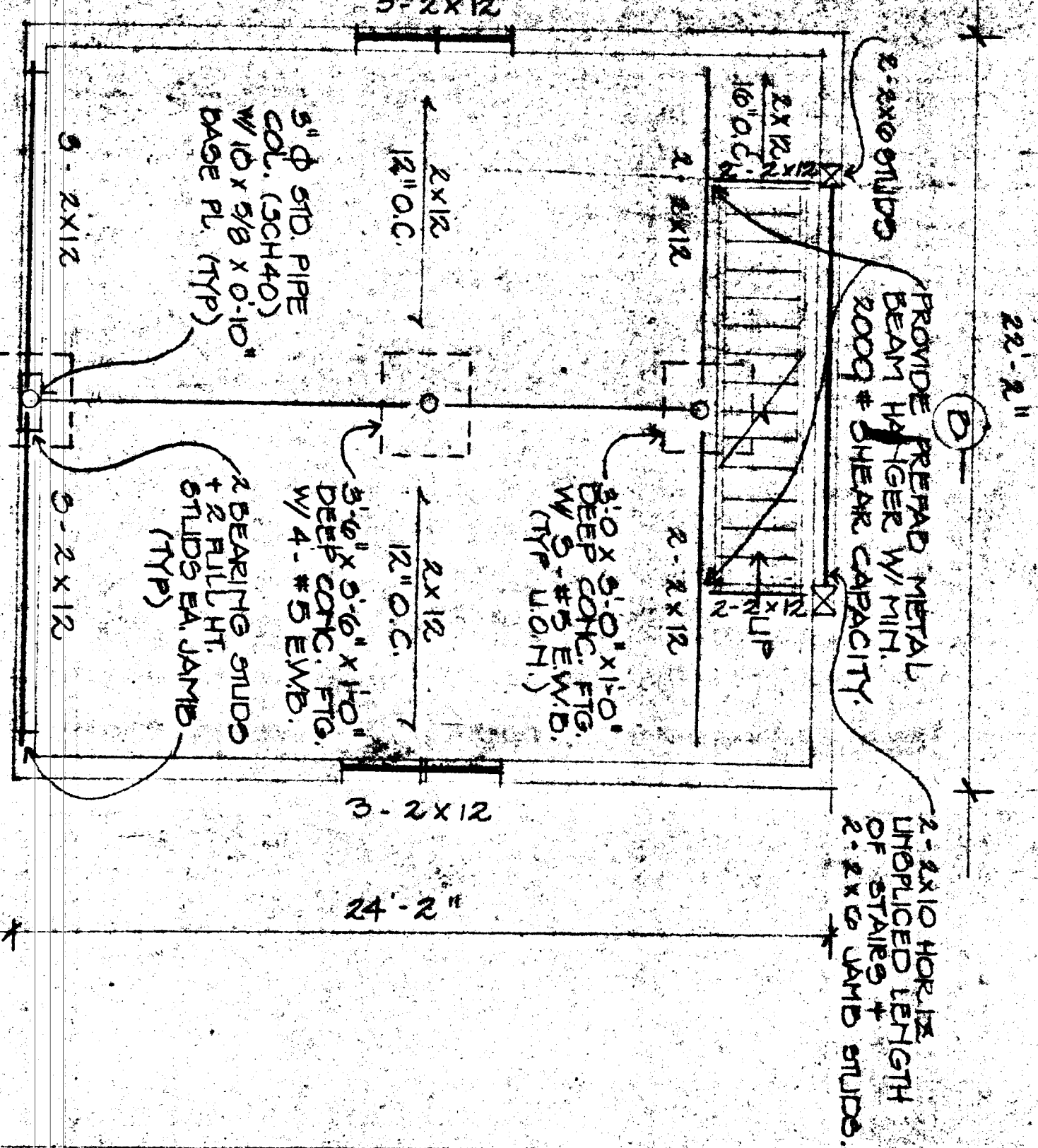
EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
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PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN



EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN

DAMAGE - FIRST FLOOR / 2ND FLOOR FRAMING PLAN
FLOOR SHEATHING - 3/4" APA RATED EXTERIOR GRADE T&G
PLYWOOD W/ PANEL I.D. 3/4" 10

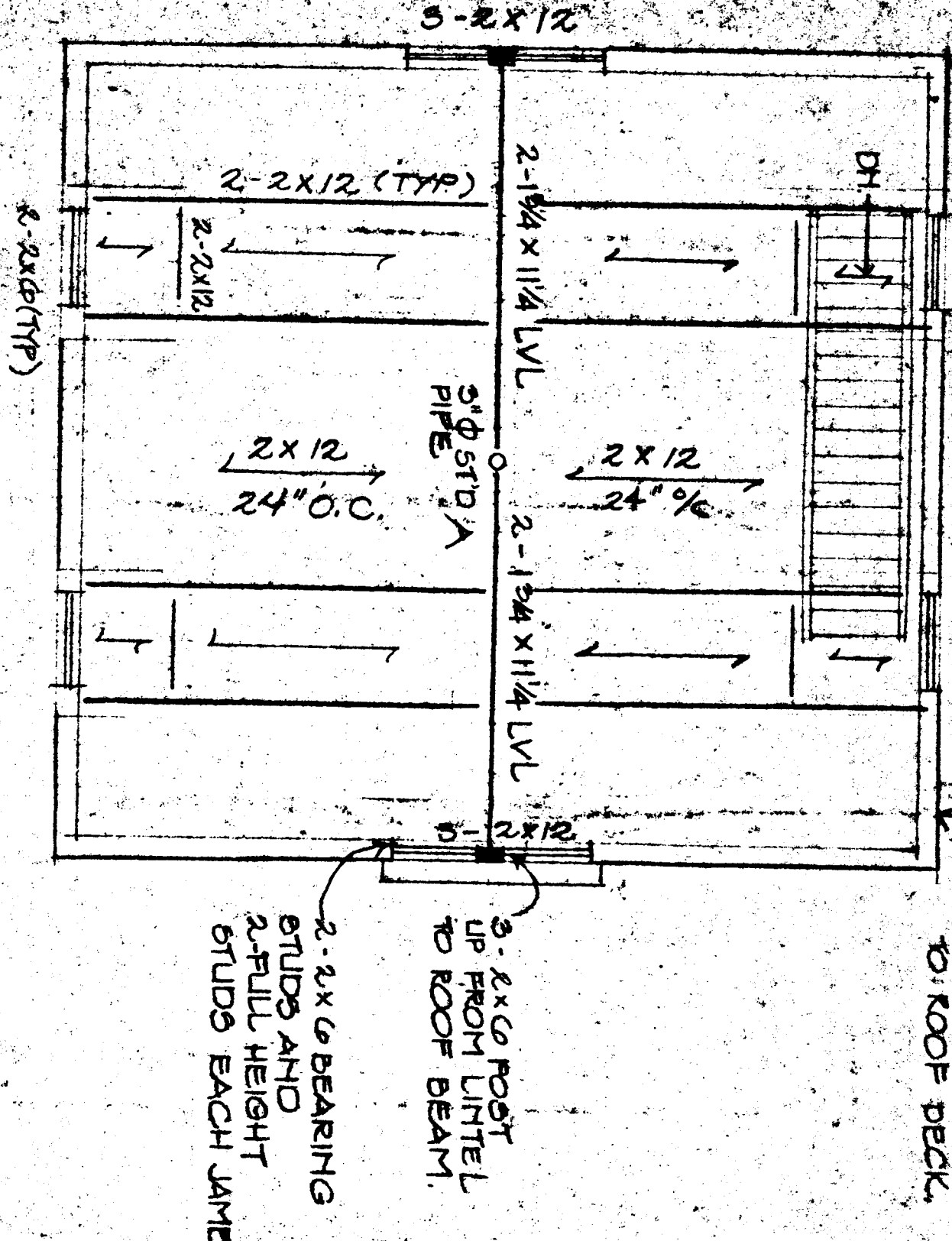


EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN

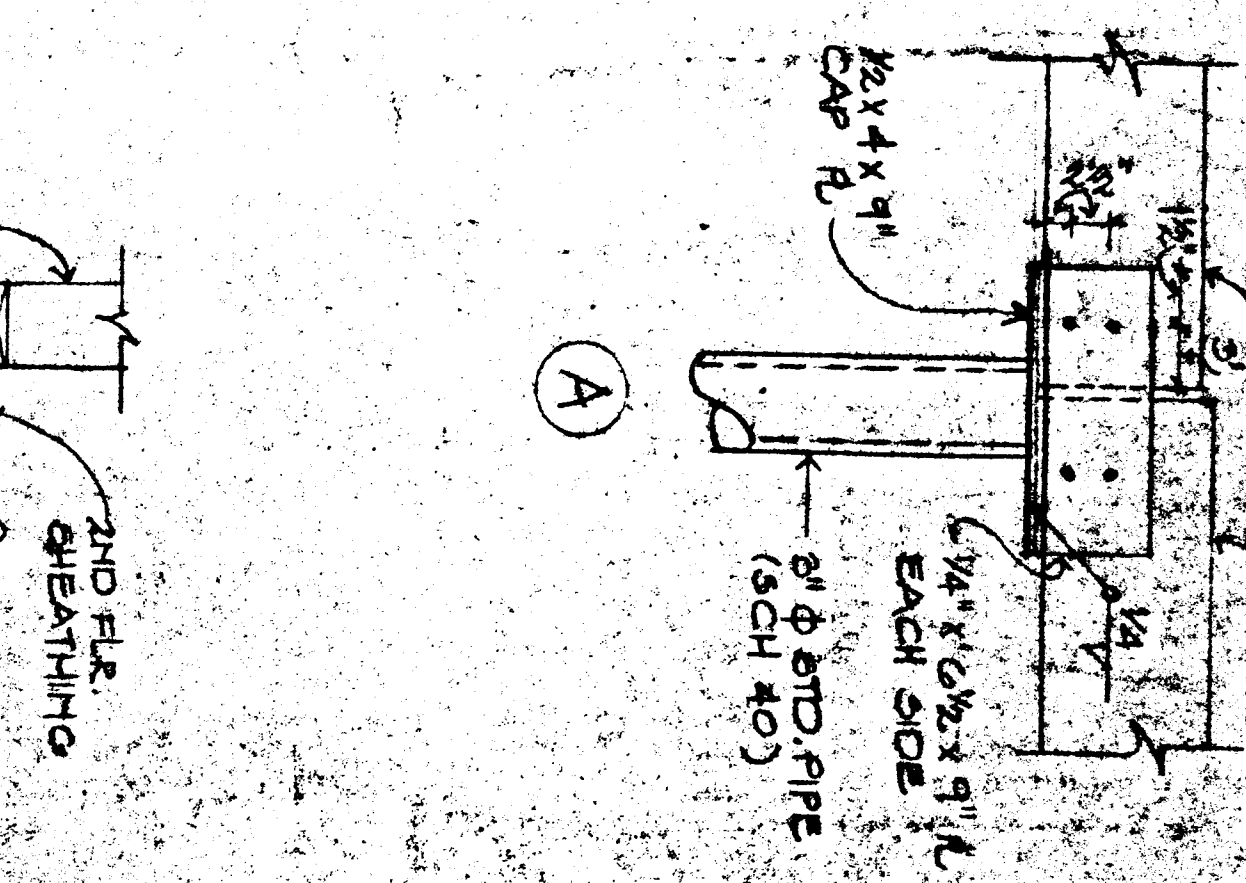


EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN

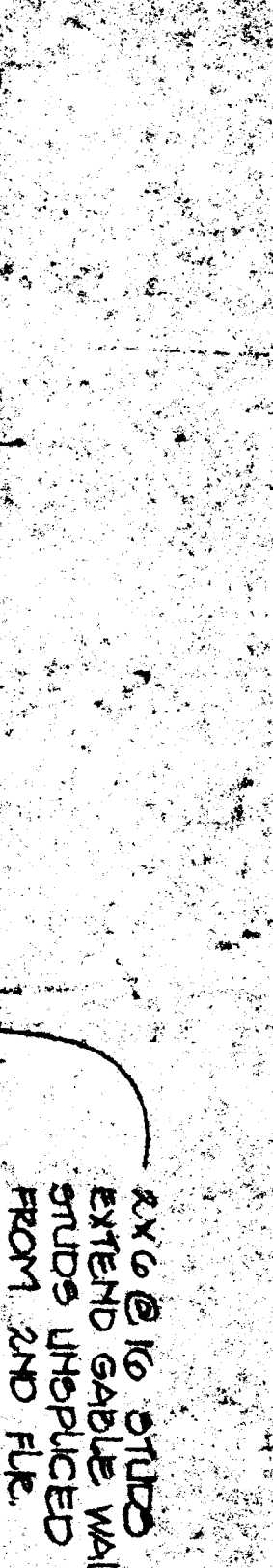
DAMAGE - SECOND FLOOR / ROOF FRAMING
ROOF DECK - MAX' APA RATED EXTERIOR GRADE T&G
PLYWOOD SHEATHING W/ PANEL I.D. 3/4" 10



EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN



EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN



EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN



EXISTING FRONT PORCH TO REMAIN
EXISTING SIDE PORCH TO REMAIN
PROPOSED ADDITION
EXISTING ROOFLINE TO REMAIN

UPDATED 2.24.01
UPDATED 2.7.01

PROCTOR GARAGE
701 ELLINGHAM AVE

ANN MAGEE, ARCHITECT
PO BOX 65, DALLAS, TX 75202
GARAGE PLANS, ELEVATIONS
A-12